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Canada Royal Commission on  
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Hearings 1963  
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**ROYAL COMMISSION**

**ON**

(27)  
**PILOTAGE**

**HEARINGS**

**HELD AT**

**MONTREAL  
QUEBEC**

**VOLUME No.:**

41 A - 44A

**DATE:**

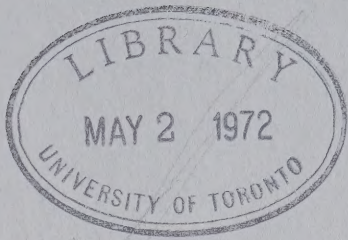
July 3, 1963

**OFFICIAL REPORTERS**  
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TORONTO, ONTARIO

## ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing:  
held at the Court House,  
Montreal, Quebec, on the  
3rd day of July, 1963.

### COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq. Q.C.	Member
Harold A. Renwick, Esq.	Member
Mr. Gilbert Nadeau	Secretary

### COMMISSION COUNSEL:

Mr. Maurice Jacques	
Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild

### PRESENT:

Mr. J. Brisset	for the Shipping Federation of Canada
Mr. J. M. Jacques	for the National Harbour Board
Mr. J. Mahoney) Mr. C. Mason )	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid-St. Lawrence Pilots; the Corporation of the Mntreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots.

Captain J. S. Scott, Technical Advisor to the Commission

Captain F.S. Slocombe, for the Department of Transport  
and liaison officer









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1 --- Upon commencing at 10.00 a.m.

2  
3 H. L. LAND, recalled, resworn

4  
5 DIRECT EXAMINATION BY MR. JACQUES: (continued)

6  
7 Q. Mr. Land, further to a question which  
8 was asked you yesterday concerning the various plans which  
9 you have filed, it was mentioned that these plans were  
10 not accurate as regards aids to navigation indicated  
11 thereon.

12 A. Some of them may be a little --- not quite  
13 up-to-date. These were mainly schematic plans, just a  
14 general picture of the channels.

15 Q. But what about the rest of the information?

16 A. The information should be --- yes, the  
17 information is definitely correct, to the best of my  
18 knowledge.

19 Q. As regard depths of water?

20 A. Yes. There isn't much shown in the way  
21 of depths of water, excepting in the notes indicating ---  
22 that is in the channel --- because the plans are of too  
23 small a scale to show details of depths all the way along.

24 Q. Yes; but the information they contain ---

25 A. That is correct, yes.

26 Q. As regards depth of water is accurate?

27 A. Yes.

28 Q. These, according to the evidence which  
29 you gave yesterday, would not be accurate as regards the  
30 south channel?







1 A. The south channel, no. I indicated  
2 yesterday that there has not been a survey in the south  
3 channel for a considerable time and filling there has  
4 been continuing ever since the last survey. I ventured  
5 to estimate that instead of 24 feet in the south channel  
6 at Beaujeu Bank, there would be more likely be 18 feet  
7 today. That is just an estimate.

8 Q. What about St. Thomas Channel?

9 A. That is not surveyed either; so we can-  
10 not indicate how deep the water is there.

11 Q. Is there any other place where the infor-  
12 mation shown on the plans would not be up-to-date or  
13 accurate?

14 A. I can't think of any, except in the  
15 north channel there is a variation every year, as I  
16 indicated yesterday, due to filling and that could not be  
17 brought up-to-date unless the plans were made immediately  
18 after the dredging and from time to time thereafter.  
19 These plans are not intended as showing details; they  
20 are only very, very general. The charts are far more  
21 up to date than this.

22 Q. When you say "charts", you mean naviga-  
23 tional charts?

24 A. Yes, navigational charts.

25 Q. Would be more up to date than these plans?

26 A. Yes, definitely.

27 Q. Further, a question was asked you yester-  
28 day as regards the accuracy of the information which you  
29 pass on to the shipping community. You mentioned that  
30 yesterday there was 34 feet 3 inches of water available







1 in Montreal. That is correct?

2 A. That is right --- yesterday.

3 Q. And that is at a certain level of the  
4 tide, or is there any tide effect in Montreal?

5 A. That is at the extreme low of the 1897  
6 datum, which is the chart datum on which the charts are  
7 based.

8 Q. And for navigational purposes in Montreal,  
9 would you have to make any corrections to obtain the  
10 actual depth of water?

11 A. No. That is the actual depth.

12 Q. The actual depth?

13 A. Yes.

14 Q. So if you advertise 34 feet 3 inches of  
15 water available in Montreal, would it be fair to say that  
16 a ship loaded to an appropriate draught, whether it has  
17 a 2 foot 6 inches clearance or a 2 foot clearance, could  
18 safely navigate in this area?

19 A. Oh, yes.

20 Q. Without expecting to find siltation or  
21 boulders or any obstructions which would be above the  
22 level of 34 feet 3 inches?

23 A. Oh, yes --- quite.

24 Q. Would that statement be applicable to  
25 the rest of the channel either east or west of Montreal?

26 A. It would be, excepting that there might  
27 be an occurrence after a survey --- something might be  
28 dumped in the channel of which we are not aware and the  
29 recorded or advertised condition of the channel is only  
30 applicable at the time of the survey. Many things might







1 happen. Something might be dumped from a ship of which  
2 we are not aware and until we find it we just can't say  
3 that it is there or not there.

4 Q. So, in order to have accurate and sure  
5 and reliable information, continuous surveys have to be  
6 carried out?

7 A. Yes --- or as continuous as we are able  
8 to make them.

9 Q. In practice, though, apart from, let us  
10 say man-made obstacles, there would be natural obstacles  
11 in the channel --- and by "natural obstacles" I would  
12 include siltation? Are you able to predict, as regards  
13 natural causes of obstruction, whether they will take  
14 place or not?

15 A. We cannot predict, but we can anticipate  
16 in a general way where we have had filling before and if  
17 conditions which lead to filling are present, we would  
18 suspect that there might be filling or siltation and  
19 make a survey. For instance, if we have a heavy run-off  
20 in the spring, high water flows in the tributary rivers,  
21 we can expect a heavy movement of sand and under those  
22 conditions we would proceed, as quickly as possible, to  
23 make a survey in the areas in which this sand is usually  
24 deposited, which we know from past experience will occur.

25 Q. So, apart from man-made obstacles, would  
26 it be fair to say that the advertised depth is available?

27 A. Oh, yes, definitely.

28 Q. Barring cataclysms or undertowards  
29 events?

30 A. Yes.







1 Q. And that a ship could rely on that  
2 information?

3 A. Yes, certainly.

4 MR. JACQUES: Thank you, sir.

5 THE CHAIRMAN: Mr. Mahoney?  
6

7 CROSS-EXAMINATION BY MR. MAHONEY:  
8

9 Q. Mr. Land, I have only one or two questions.  
10 When you were being examined by Mr. Lalonde yesterday,  
11 he mentioned the area of the St. Lawrence River between  
12 Montreal and Kingston which comes within your responsi-  
13 bility as head of the Ship Channel, and I recall that  
14 you considered the similarities or differences between  
15 conditions on the non-channel part of the Seaway and the  
16 ship channel below Montreal and particularly with  
17 reference to the height of the banks I think you said  
18 that the height of the banks was --- that the banks were  
19 quite high in the Seaway between Montreal and Kingston.  
20 Is that right?

21 A. In certain areas, yes. At the lower end  
22 of Lake St. Louis, for example, the banks are very high.  
23 In the centre of the lake, there are lower banks.

24 Q. And I suppose that in the Seaway many  
25 of these banks, and I think you noted, were built in the  
26 dry, so to speak, and are solid rock, or at least shale  
27 --- they are not mud banks?

28 A. True.

29 Q. Whereas below Montreal you would be more  
30 inclined to find mud banks, rather than rock-cut; is







1 that correct?

2 A. On the whole, yes, below Montreal. But  
3 there are areas, for instance, Cap a la Roche curve and  
4 Cap Charles channel where the rock is very near the  
5 surface, at least near the bottom of the river.

6 Q. And this would be similar to the rock cuts  
7 in the Seaway?

8 A. Very similar, yes.

9 Q. And as to the width of the channel, I  
10 think you noted that the channel widths in the Seaway  
11 between Montreal and Kingston run between 450 feet and  
12 up to ----

13 A. ---- 600, excepting for the areas where  
14 the channel merges in the channel entrance.

15 Q. Where it narrows?

16 A. Yes.

17 Q. And this would be even narrower than the  
18 narrowest limits of the ship channel below Montreal?

19 A. Definitely so, yes.

20 Q. Also, Mr. Land, with regard to the depth  
21 of water available, there is no substantial difference  
22 there, is there?

23 A. Well, there is a little greater margin  
24 in the Seaway. The designed grade has a wider margin ---  
25 that is the advertised grade --- than is the case below  
26 Montreal.

27 Q. You also had reference to anchorages in  
28 the area below Montreal and I think you went through them  
29 and noted that they were about 30 miles apart, the  
30 designed anchorages --- dredged anchorages; is that







1 correct?

2 A. Approximately.

3 Q. Approximately. And is this situation  
4 similar in the Seaway between Montreal and Kingston?

5 A. There I think the anchorages would be a  
6 little closer in the Seaway.

7 Q. I realize, Mr. Land, that as you pointed  
8 out yesterday, you are not an expert in navigation, but  
9 from your point of view as head of the Ships Channel  
10 and as an engineer, familiar with hydraulics, would you  
11 say that the difficulties of navigation are similar in  
12 the Seaway, between Montreal and Kingston, and in the  
13 Ship Channel below Montreal, going not down into tidal  
14 waters, but in non-tidal waters?

15 A. There is this difference, that in the  
16 Seaway we have a controlled or regulated depth; whereas,  
17 below Montreal there isn't the control to the same point.  
18 The flow in the St. Lawrence River upstream is regulated,  
19 but the depth in Montreal and downstream from Montreal  
20 depend also on supply from the Ottawa River, which is  
21 not regulated to the same extent.

22 Q. But aside from this point, the facts of  
23 navigation are similar?

24 A. They are similar, yes, in the non-tidal  
25 areas.

26 Q. If not perhaps more difficult in the  
27 Seaway than in the river below Montreal?

28 A. In the river below Montreal you are  
29 probably more affected by wind conditions because of  
30 wider stretches.







1 Q. But you do have situations of current in  
2 both areas?

3 A. Yes.

4 Q. The situation is decidedly similar?

5 A. Yes.

6 Q. Mr. Land, I know that in your official  
7 capacity this would not be so, but are you generally  
8 familiar with the areas on the upper lakes, such as the  
9 Detroit River, the St. Clair River, as to their topo-  
10 graphical features, compared with the Seaway or the ship  
11 channel?

12 A. Not from actual experience --- only from  
13 a study of charts.

14 Q. From that study and from your general  
15 knowledge, would you say that conditions in these areas  
16 were similar to the Seaway between Montreal and Kingston?

17 A. They would appear to be a little more  
18 restricted. I mean, there is less room to manoeuvre.

19 Q. Even more restricted?

20 A. Yes. I would say so, from my look at  
21 the charts.

22 Q. Now, Mr. Land, only one further question  
23 --- you yesterday were outlining the improvements which  
24 were being made to the channel through the years and I  
25 think you said that the widening programme, the latest  
26 widening programme, was started in 1952 --- or was that  
27 deepening?

28 A. No --- widening to 800 feet.

29 Q. But the deepening programme was started  
30 in 1952?





1 A. It was completed in 1952, at least to  
2 the new datum.

3 Q. The deepening programme?

4 A. Yes.

5 Q. And the widening programme was begun?

6 A. The widening programme to 800 feet  
7 minimum was begun in 1952.

8 Q. And that is not yet completed?

9 A. No.

10 Q. About fifty per cent of it is still to be  
11 done?

12 A. Yes. There was a slower rate of advance  
13 in those years. We hope to accelerate that.

14 Q. In planning that programme of widening,  
15 Mr. Land, did you give any priority to various --- to  
16 special areas in your programme for widening?

17 A. Yes, we did. In the areas below Three  
18 Rivers we paid special attention to the shoals above  
19 Quebec Bridge --- for instance St. Augustin Shoal, that  
20 was widened and then the area at Cap Sante, which some-  
21 times was a little difficult to navigate.

22 Q. Was this done because you considered  
23 these areas the most critical?

24 A. Yes, at the time, yes, and also an area  
25 called Richelieu Rapid.

26 Q. So that although there is still fifty  
27 per cent to be done and although it is important, it is  
28 over less critical areas than the fifty per cent that  
29 has been done?

30 A. Yes, in many respects. It is difficult







ish

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(Mahoney)

1 to classify it from the point of importance, with regard  
2 to hazards to navigation. We also have to consider the  
3 possible effect of widening on the lowering of the level  
4 and, for that reason, the area between Vercheres and  
5 Montreal has been left because dredging in that area has  
6 a greater lowering effect than in other areas. We are  
7 now studying all of the possible remedial measures to  
8 offset the lowering effect by dredging, and the same  
9 thing applies to Lake St. Peter. That is really a key  
10 point in our programme because anything we do there is  
11 likely to lower the level, unless we at the same time  
12 institute methods of holding the water back.

13 Q. Yes. But do you feel that the most  
14 critical areas were attacked first, so to speak?

15 A. Yes, they were. That includes the area  
16 which is now under construction at Cap a la Roche curve.

17 Q. One final question. This programme of  
18 widening, deepening and straightening of the channel,  
19 although parts of the current programme have been  
20 completed, this programme will go on through the years,  
21 will it not?

22 A. Definitely, yes. I do not think there  
23 will ever be a cessation of improvement programmes.

24 MR. MAHONEY: Thank you.

25  
26 EXAMINATION BY MR. BRISSET:

27  
28 Q. Mr. Land, you have spoken of three  
29 angulation surveys which were made on the channel with  
30 a view to fixing positions, using various marks like







1 churches and so forth. Are those marks indicated on the  
2 large charts of the channel, the chart available to  
3 shipping?

4 A. Not all of those points are indicated  
5 on the charts. The charts are designed and produced  
6 by the Canadian Hydrographic Service and they put points  
7 on those charts which are necessary for their particular  
8 work. In our dredging operations, we require plans of  
9 a much larger scale and, therefore, we have room to fix  
10 points on the plans to a far greater number than those  
11 required on the navigation charts. For instance, we  
12 would have the upstream gabling end of a permanent barn,  
13 for instance, and perhaps a wind mill or a prominent  
14 chimney or anything of that nature which would be too  
15 confusing on a navigational chart. There would be too  
16 many details.

17 Q. In other words, there are not so many  
18 points on navigational charts as on the charts which you  
19 use?

20 A. No.

21 Q. But these points appearing on the  
22 navigational charts can still be used to determine quite  
23 accurately the position of the ship in the river?

24 A. From the point of view of navigation,  
25 yes, but not accurately enough to fix the position of a  
26 dredge within ten feet or so.

27 Q. Mr. Land, I want to go back to one point  
28 which is still not too clear to me, if I may. You have  
29 mentioned yesterday the advertised depth of water in the  
30 Harbour of Montreal was 34 feet 3 inches. Am I right





1 in understanding that because of the finding in the  
2 datum of 1897 and 1934 there is actually more water than  
3 that --- the actual depth of the water is more than 34  
4 feet 3 inches?

5 A. That is true, in a general way, although  
6 as I indicated yesterday there are boulders and small  
7 obstructions of various kinds between these two datum  
8 lines which tend to reduce that surplus depth that we had.  
9 We could not depend entirely on it.

10 Q. When you sweep during the season, do you  
11 remove these boulders or small obstructions, even though  
12 they might be at a greater depth than 35 feet?

13 A. Yes, we perform all our maintenance  
14 dredging to the 1934 datum so as to remove up to the  
15 dredging line.

16 Q. Now, to go back to actual depths of  
17 water, am I right in understanding that if the advertised  
18 depth of water in Montreal Harbour is 34 feet 3 inches,  
19 leaving aside boulders or other small obstructions that  
20 you may find in the channel, there would be actually 2  
21 feet more water in the harbour in Montreal --- actual?

22 A. Yes, if it were cleared to the 1934  
23 datum, if the channel were cleared, if there were no  
24 obstructions.

25 Q. And there would be one foot 8 inches  
26 more at Three Rivers?

27 A. Approximately, yes.

28 Q. Now, can you tell me how far up river  
29 the tide is felt?

30 A. Yes, there is a definite tidal effect in







1 elevation of the water as far as Three Rivers, where a  
2 spring tide will raise the water a foot or a little more.  
3 The ebb tides are quite noticeable, but just a small  
4 fraction of a foot, two or three inches. We also have  
5 a tidal effect in Lake St. Peter, but the expanse of  
6 water there has a tendency to reduce that to zero at the  
7 upper end of the lake.

8 Q. So that when an advertised depth is  
9 published, the actual depth will be increased by the  
10 extent ---

11 A. --- of the tide.

12 Q. Of the rise of the water due to the tide?

13 A. Exactly.

14 Q. I think you told us yesterday that you  
15 were aware that a fixed draught was set for vessels  
16 leaving the harbour of Montreal.

17  
18  
19 Q. I wasn't too clear whether you were asked whether  
20 you were consulted in determining the maximal draught  
21 of such vessels?

22 A. No. This has been a matter of long-  
23 standing. How it originated I do not know. But we have  
24 never been consulted, to my knowledge, in establishing  
25 these requirements and we do not impose any limitation  
26 on draught in any way to ships coming in. I think this  
27 is a matter for the Board of Trade and various other  
28 bodies, but we are not involved in it at the present  
29 time.

30 Q. Although you are the agency with possibly







1 the better knowledge of what the existing conditions are?

2 A. Yes. We do get inquiries and we answer  
3 those to the best of our ability, very gladly.

4 Q. Mr. Land, I want to go back to the  
5 improvements in the channel, particularly with respect to  
6 the widening of the channel, and I would like you to take  
7 before you the chart which has been filed as exhibit 486.  
8 You have explained to my friend, Mr. Mahoney, that  
9 generally speaking the parts of the channel that were  
10 widened were the critical parts?

11 A. Yes.

12 Q. And I would like to review these, start-  
13 ing from down river. First of all, I understand that the  
14 programme of widening the channel to 800 feet from Cap  
15 a la Roche to Quebec is expected to be completed by the  
16 end of 1964?

17 A. That is right.

18 Q. Now, the first part of the channel to  
19 which I draw your attention is the St. Augustin Bar?

20 A. Right.

21 Q. Which I understand was widened to 800 feet,  
22 completed in 1958?

23 A. Right.

24 Q. Can you indicate on the chart, exhibit  
25 486, by two crosses, if you have a red pencil, for  
26 instance, the area so covered. Going up river again,  
27 Mr. Land, we come to Ste. Antoine middle grounds which  
28 were straightened and widened to 800 feet, completion  
29 1961. That is correct?

30 A. That is right, yes.





1 Q. Will you mark this spot equally with two  
2 red marks.

3 A. Right.

4 Q. Now I come to the next one which I think  
5 is the Cap Sante traverse in the Ste. Antoine channel,  
6 which was widened to 800 feet, completed in 1961. Will  
7 you mark this in red?

8 A. Yes.

9 Q. The next one, I understand, is the  
10 Richelieu Rapids, which was widened to 800 feet,  
11 completion 1961. It is also known as the la Barre a  
12 Boulard?

13 A. Right.

14 Q. I am advised that this is a particularly  
15 critical spot, and that it is the intention of widening  
16 that channel to 1,000 feet in 1965. Am I correct?

17 A. Well, we haven't definite plans, but it  
18 is under study. The widening that has been already  
19 effected has probably reduced the current, although we  
20 have not verified that, reduced the velocity.

21 Q. This was a spot where the current was  
22 very swift, wasn't it?

23 A. Very. It was up to 6 knots on a full  
24 falling tide.

25 Q. And the widening of the channel has the  
26 effect of reducing the velocity?

27 A. It gives a wider area for the water to  
28 pass at a given time, which should reduce the velocity.

29 Q. The next spot, I understand, is the  
30 Grondines channel, which was widened to 800 feet,







1 completion 1956. Would you mark that please?

2 (The witness complies)

3 A. Right.

4 Q. The next one, going still up river is  
5 the Champlain, Pointe Citroville channel, which was  
6 widened to 800 feet, completion 1960. Will you mark it?

7 (The witness complies)

8 A. Right.

9 Q. Finally, coming to Three Rivers, the next  
10 one is the Three Rivers south channel to Becancour, which  
11 was completed in 1962?

12 A. Will you pardon me. In the Champlain  
13 widening we also widened as far as Becancour, from  
14 Becancour down to Pointe Citroville.

15 Q. So that from Three Rivers to Pointe  
16 Citroville would now be widened?

17 A. Yes, all the way.

18 Q. Now, going up river again, above Three  
19 Rivers, the next spot is the channel from Sorel to Ile  
20 au Raisin curve. Am I correct?

21 A. Yes. I may just interject here at the  
22 foot of Lake St. Peter from Ste. Francois to Nicolet  
23 curve, that short stretch there is a thousand feet wide.

24 Q. Will you mark it on that chart?

25 (The witness complies).

26 A. Right.

27 Q. And will you mark also Sorel to Ile au  
28 Raisin curve? (The witness complies).

29 A. Right.

30 Q. That was completed, I understand, in 1960,







1 this last stretch?

2 A. Yes. That includes the channel through  
3 Boat Island, which we referred to yesterday.

4 Q. Now, above Sorel I understand that the  
5 stretch between Vercheres to Lanaraie curve was widened  
6 to 800 feet, with completion in 1961?

7 A. Right.

8 Q. Will you mark that stretch too?  
9 (The witness complies).

10 A. Yes.

11 Q. I am not too clear on this point, whether  
12 it was completed from Vercheres to Lanaraie curve, or  
13 from Vercheres to Ile au Raisin curve?

14 A. Well, both areas were completed, but they  
15 were different operations.

16 Q. Now, Mr. Land, you have mentioned that  
17 some current surveys have been conducted by your agency,  
18 and I would like to ask you whether there are charts  
19 available for the stretch below Quebec down river, showing  
20 the velocity of the current and the direction of the  
21 current at various stages of the tides?

22 A. Well, there are no charts published. They  
23 are included in a special report which was issued. There  
24 were in fact three annual reports issued by the consulting  
25 engineer who conducted that particular survey. This is  
26 not part of our present hydraulic programme. This  
27 occurred between 1953 and 1955.

28 Q. These reports are available to shipping,  
29 aren't they?

30 A. Well, they were reports delivered to the





1 Department by the consulting engineer. There are a  
2 limited number of them, but probably more could be issued.  
3 They are not readily intelligible until a person has  
4 studied them very carefully, because it is entirely a  
5 technical report on the possibility of various factors  
6 having contributed to the filling problem down there.  
7 They are not a general report for the public. Not that  
8 they are secret or anything of that nature, but they  
9 would be difficult to interpret by the ordinary individual.

10 Q. I am afraid we may not be speaking of  
11 the same thing. I was speaking of charts showing the  
12 velocity and speed of the current at various stages of  
13 the tide, say, one hour before high water and one hour  
14 after high water?

15 A. We have none like that, but charts of  
16 this nature have been published by the Canadian Hydro-  
17 graphic Service from special surveys conducted by them  
18 at various points of the river. I am not sure if they  
19 take in that particular area, but they are available for  
20 the estuary and Gulf of St. Lawrence.

21 Q. Now, Mr. Land, I take it that it goes  
22 without saying that this programme of improvement in the  
23 channel is intended to ensure greater safety for the  
24 vessels that use the channel, and to make it easier for  
25 these vessels to navigate such channel? Am I not right?

26 A. Yes, that certainly is the objective.

27 Q. And in planning your programme you  
28 consult with the harbour authorities all along the river  
29 and also with other Departments or Agencies, like the  
30 Marine Agency in Quebec and elsewhere?







1 A. That is very true, yes.

2 Q. You also consult with the pilotage  
3 authority at times?

4 A. Yes.

5 Q. Have you ever arranged meetings for  
6 briefing pilots for instance, like the Seaway Authority  
7 arrange for their own personnel?

8 A. We have had meetings with them, possibly  
9 not to the extent which we might arrange these things.  
10 I mean the frequency, but we have consulted the pilots  
11 representatives of the pilots' association, but briefing  
12 of the kind that you referred to I don't believe we have  
13 had that particular type of meeting.

14 Q. But you would consider it advantageous  
15 to have perhaps closer liaison with the pilots, more  
16 frequent meetings?

17 A. Yes, I agree, yes.

18 Q. To approach another subject, Mr. Land,  
19 you have told us of cables being laid across the channel,  
20 telephone cables?

21 A. Yes.

22 Q. Do you have occasion to check at various  
23 intervals the position of these cables, to find out  
24 whether they have been moved, or are still where  
25 advertised and so forth?

26 A. Well, whenever a project is underway, an  
27 improvement project, which might interfere in the area  
28 in which the cable is indicated on the chart, we consult  
29 the people who have laid it, for instance, the Bell  
30 Telephone, or whatever organization has placed the cable







1 there, in order to avoid any breakages which could occur.

2 Q. But do you ever check in your sweeping  
3 the actual position of these cables, every year?

4 A. Well, in our sweeping we don't interfere  
5 with the cables normally, because they are generally laid  
6 in a deep area of the river, and our sweeping arrangement  
7 only reaches down to the advertised grade. Usually it  
8 is a considerable distance above the bottom of the river  
9 in these areas. We do not want to sweep an area where  
10 there is a cable above the grade line, because we might  
11 just tangle with it.

12

13 EXAMINATION BY MR. LALONDE:

14

15 Q. I would like to clarify one answer you  
16 gave to Mr. Brisset, and which I thought I understood  
17 quite well.

18 At the beginning of your examination by Mr.  
19 Brisset I think you said that you would take out all  
20 obstructions at the bottom of the river, even though  
21 these might be below the 35 foot limit, but I think that  
22 later on you said something different, that you didn't  
23 go below 35 feet?

24 A. We were discussing the two datum lines,  
25 the 35-foot limit to the chart but then, of course,  
26 there is ---

27 Q. Is it a fact that you have stronger currents  
28 at some areas below Montreal than above Montreal, in the  
29 non-canal section?

30 A. Yes, that is quite true. The currents





1 above Montreal are pretty well regulated according to  
2 the design and construction of the Seaway, whereas we  
3 don't have those regulations below Montreal. We just  
4 take nature as it comes.

5 Q. Also, are you aware of any speed limit  
6 being imposed upon vessels below Montreal?

7 A. No, none whatsoever, excepting within  
8 the limits of harbours.

9 Q. Are you aware of any such speed limits  
10 being imposed above Montreal?

11 A. I am not sure whether the speed limit  
12 is imposed. There are regulations to the best of my  
13 knowledge in certain areas of the Seaway.

14 Q. What is the, once again, the maximum  
15 available draught, or channel, I should say, depth above  
16 Montreal?

17 A. Well, the designed depth above Montreal  
18 is 27 feet.

19 Q. And below Montreal it would be?

20 A. 35, excepting for these conditions which  
21 reduce it. We can't control them.

22 Q. I understand, Mr. Land, you have always  
23 shown great interest in the effects of ice on navigation,  
24 and all problems connected with ice. Is that the case?

25 A. Well, we have shown a great interest in  
26 ice insofar as it affects water levels, particularly in  
27 the Montreal area. Our objective is to try to reduce  
28 the incidence of flooding, and keep the water level down  
29 to a moderate point in the winter.

30 Q. Have you made any particular study with







1 a view to improving the possibilities for navigation  
2 during the winter season?

3 A. No, not in our Department. We have con-  
4 centrated on flood control.

5 Q. You wouldn't therefore be in a position,  
6 would you, to assess whether you forecast any further  
7 extension of the winter navigation season or not on the  
8 St. Lawrence River?

9 A. No, I couldn't express any opinion on  
10 that.

11 Q. I understand you also carry out dredging  
12 in the Quebec Harbour, don't you?

13 A. Well, we do. We supervise the dredging  
14 on behalf of the National Harbours Board. The contracts  
15 are under the National Harbours Board and we supervise  
16 it.

17 Q. Would you explain to the Commission what  
18 is the physical aspect of dredging when you dredge in a  
19 harbour like Quebec, for instance? You have dredges.  
20 Are these dredges anchored, or are they on cables,  
21 connected to buoys?

22 A. Well, there are no cables connected to  
23 buoys, because that is against all regulations. But to  
24 take the St. Charles River estuary, where the material  
25 removed is very soft siltation --- there is also paper  
26 manufacturing in there, and also a certain amount of sand.  
27 Those dredges are generally the suction type. They are  
28 fixed in the bottom by what is called a spud, a long  
29 pointed tubular, mast, you might call it, on which the  
30 boat rotates. That is the centre of its turning circle.







1 There is a cutting head, which agitates the material and  
2 sucks it into the pipe. That is one type of dredge.

3 Then there is another, which is used, the  
4 bucket ladder type, which has a series of six anchors,  
5 two on each side and one forward and one aft, by which  
6 the dredge moves back and forth while it is cutting the  
7 material.

8 Q. And you have these six anchors connected  
9 direct to the dredge?

10 A. To the dredge on drums on winches.

11 Q. And once again how do you call this first  
12 technique?

13 A. The hydraulic, or suction dredge.

14 Q. But how do you call the type with anchors  
15 they have?

16 A. Well, it is referred to in dredging  
17 circles as a spud.

18 Q. Do you have only one spud on such dredges,  
19 or several?

20 A. There are two, and usually a dredge  
21 working under this method makes an arc on one spud, say  
22 on the starboard spud at the after end. After the  
23 completion of this arc the other spud is ahead of it,  
24 and that is let down, the first one is lifted, and the  
25 second one is let down and it rotates back on the second  
26 arc on the second spud, so that it is moving ahead on  
27 each cut.

28 Q. Are these spuds far from the actual  
29 dredge?

30 A. No, it is right on the after end of the





1 dredge, the very end of the structure.

2 Q. But when you did carry out dredging at  
3 the St. Charles River, I understand it was about two or  
4 three years ago?

5 A. Yes.

6 Q. Were there not buoys connected to the  
7 dredges at the time?

8 A. Well, yes, certain buoys or floats, which  
9 indicate the location of the anchors holding the, not  
10 only the swinging anchors, but the pipelines. There are  
11 many anchors holding the pipelines, and in some cases  
12 they do have a float of some kind to indicate the  
13 position of the swinging anchors. The dredge swings on  
14 an anchorage, one on each side of the forward part.

15 Q. Would you have several of such buoys  
16 near a dredge in actual operation?

17 A. Well, on a pipeline, yes, there are many  
18 but they are normally away from navigation in the channel.

19 Q. Would you have only one dredge working  
20 at a time?

21 A. Oh, sometimes, there is more than one.

22 Q. So you could have a lot of those drums  
23 around the dredges?

24 A. Oh, yes, there would be quite a number  
25 of drums, oh, yes.

26 Q. And in restricted waters like a harbour  
27 it could mean that the approaches to the wharfs could  
28 be made a little more difficult?

29 A. Yes, there could be some restriction,  
30 but normally all this is discussed with the harbours







1 people and particularly the Harbour Master, so that a  
2 method could be set up in moving these if required, or  
3 have certain hours for ships to pass that particular  
4 point.

5  
6 CROSS-EXAMINATION BY MR. LANGLOIS:

7  
8 Q. Mr. Land, yesterday in reply to a  
9 question from my friend, Mr. Jacques, I understood you  
10 to say, and correct me if I am wrong, that it would be  
11 safe for a vessel with a draught of 35 feet 3 inches to  
12 navigate the St. Lawrence, and your answer was yes to  
13 that. Am I correct?

14 A. 35 feet 3 inches?

15 Q. 35 feet 3 inches?

16 A. I don't recall that question in that  
17 form, Mr. Langlois. If the depth in the channel is shown  
18 as 35 feet 3 inches the navigator could depend on that  
19 depth being as indicated on the bulletin, but I don't  
20 think I would stipulate any particular draught in  
21 relation to the depth shown.

22 Q. I understood you to say that he could  
23 depend on that. If the advertised depth was 35 feet 3  
24 inches he could depend on that depth of water?

25 A. He could depend on that depth of water,  
26 yes.

27 Q. It doesn't necessarily mean that he could  
28 take a ship of that draught down the St. Lawrence?

29 A. No, definitely not.

30 Q. And this advertised depth of 35 feet,







1 does that apply to the whole? I understand that in the  
2 dredged channel below the Isle of Orleans and the Cap  
3 Brule traverse that that is only 30 feet?

4 A. That is right.

5 Q. Have you ever made any studies of the  
6 effect of squat on ships in the dredged channel of the  
7 St. Lawrence between Quebec and Montreal?

8 A. We have never made any studies on our own,  
9 but we have a great deal of literature on the subject,  
10 which we have studied in that form. We have not made any  
11 experiments, excepting a long way back, in 1914, of which  
12 we have a record in the office. The results, to us,  
13 were quite interesting.

14 Q. These results indicated that the "Lady  
15 Grey" was squatting at a certain speed?

16 A. Definitely so.

17 Q. Would you recall by how much?

18 A. Oh, at the speeds tested it seemed to me  
19 that she squatted 9 inches or a little more.

20 Q. And did you notice if the squat would  
21 increase depending on shallow water?

22 A. The experiments were only made off St.  
23 Francois and Orleans, so there were no variations in  
24 depth. They travelled the same route, so the experiments  
25 were very limited in character. I studied them in the  
26 file. They were made a long way back, in 1914.

27 Q. Have you carried out experiments with  
28 other ships?

29 A. Not on our own, no. We have reports on  
30 experiments made by the U.S. Navy, and various other





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1 organizations.

2 Q. Could you tell the Commission, Mr. Land,  
3 what would be the result of squatting as far as the  
4 draught of the ship is concerned?

5 A. Well, the result of squatting is rather  
6 complicated, dependent on a number of factors. The size  
7 and the shape of the ship, the depth of water and the  
8 restriction as to width, whether the banks are high or  
9 flat, but the end result is that a ship certainly settles  
10 into the water considerably at high speed. The factors  
11 include the velocity of the ship too, the speed. It is  
12 a complicated formula, and not a firm one, but this  
13 matter is being studied all the time, and perhaps it  
14 would be possible to come to an answer of some kind in  
15 connection with any type of ship.

16 Q. Mention has been made of the clearance  
17 under the keel of ships leaving Montreal proceeding down-  
18 river. Do you think, in order to determine this minimum  
19 clearance, it is important to know the squatting effect  
20 of that particular ship?

21 A. Definitely. It would certainly have a  
22 very strong bearing on the clearance required, the  
23 determination of the clearance required, yes.

24 Q. Would you also say that it will be  
25 important for any pilot taking charge of a vessel between  
26 Quebec and Montreal, and even above Montreal, to obtain  
27 from the master before the departure some data on the  
28 squatting of that ship?

29 A. It would be very useful, yes.

30 Q. Now, mention was made yesterday of the







1 recorded depths in Montreal, Three Rivers, and Quebec.

2 Would you mind telling us, sir, in your experience what  
3 are the day to day variations in the depths here at  
4 Montreal?

5 A. The day to day variations are usually  
6 not very big. For instance, the difference between  
7 yesterday and today is 2 inches. Today we have 34 feet  
8 5 inches. There have been variations of at least 6 inches  
9 due to wind conditions. A north-east wind, for instance,  
10 will hold the water back to the point where there would  
11 be an increase of at least 6 inches over night due to  
12 wind effect, and there would be a reverse effect when the  
13 wind died down, of course. It would probably go below  
14 the normal for a short time.

15 Q. Can this variation in the depth due to  
16 wind be accurately predicted from day to day?

17 A. It probably could. It would take a bit  
18 of study, and meteorological experts would have to come  
19 into the picture, but we could probably devise some  
20 formula to predict in a rough way what would be the  
21 effects of wind, but we are not prepared to do so at  
22 present, as we have not got the required machinery.

23 Q. Was the 6 inch variation you have mentioned  
24 the largest variation on record?

25 A. I don't think so. I would have to  
26 consult our records, of which we have a pretty complete  
27 set, in order to answer that question firmly, but I rather  
28 think that there have been differences of more than 6  
29 inches in a short period.





1 Q. Would you say then that the prudent  
2 navigator, in determining the minimum clearance that he  
3 should have under the keel of a ship, should take into  
4 account this possibility of the variation in the level  
5 of water due to the wind effect?

6 A. It is certainly worth considering. Yes.

7 Q. So we have two important factors which  
8 are almost unpredictable, unless you have the necessary  
9 data: the squat effect on your ship and the wind effect  
10 on the level of water, which should be taken into con-  
11 sideration before determining the minimum clearance under  
12 the keel of the ship?

13 A. That is very true.

14 Q. Mention was made --- in connection with  
15 clearance again --- of the difference between the 1934  
16 datum and the 1897 datum. Is it not a fact, even if  
17 this difference exists, that a small object, such as a  
18 lost anchor in the channel, could make up for the  
19 difference?

20 A. Oh, definitely. A lost anchor is a very  
21 important hazard. It could cause damage certainly.

22 Q. Would you say then that the prudent owner  
23 and a prudent navigator would be safe in letting his ship  
24 sail from Montreal with such level of clearance as only  
25 2 feet of water for the keel?

26 A. It depends on the size and character of  
27 the ship. The 2 feet seems to be the very minimum. I  
28 certainly wouldn't consider it safe with any ship to be  
29 with less clearance than that. That is my personal  
30 opinion, not an official one.







1 Q. Is it not also a fact that account should  
2 be taken of shifting sand bars, the possibility of shift-  
3 ing sand bars?

4 A. Yes. In the area which we discussed  
5 yesterday, at Cap Gribane, below Quebec, that is certainly  
6 a thing we have to consider seriously.

7 Q. In your experience, have you received  
8 many reports in the past concerning uncharted obstructions  
9 in the swept channel?

10 A. We have received reports, yes, and in  
11 some cases, after sweeping, we have discovered that there  
12 is a sunken winter buoy or something of that nature which  
13 has been disturbed by a ship passing and it has come up  
14 after being disturbed by a passing ship.

15 Q. Now, some two years ago some extensive  
16 dredging operations were carried out below St..Antoine  
17 de Tilly, and I am instructed that it had to do with the  
18 removal of an uncharted boulder or rock. What can you  
19 tell us? Can you tell us anything more about it?

20 A. There was really a shoal there, a little  
21 bit north of the centre line of navigation in that area,  
22 and there were several boulders in there which were  
23 removed. We have, on occasion, had quite heavy movements  
24 of ice in that area and it is always possible that some  
25 of those boulders may be turned over or will re-appear  
26 --- not the same boulders that we removed, but others.

27 Q. So even though you carry your sweeps  
28 out in the spring, before and after the navigation season,  
29 there is still a possibility of uncharted obstructions  
30 in the channel?





1 A. Yes, definitely so.

2 Q. I remember, in this connection, that this  
3 was in the St. Antoine de Tilly channel, that you had a  
4 rock monster operating there? I saw it myself.

5 A. It was a stone lifter.

6 Q. Is there also a possibility of boulders  
7 being drifted or moved to the Richelieu Rapids by the  
8 ice and currents?

9 A. That could very readily happen because  
10 there have been quite heavy jams there in the past. The  
11 last one was in 1961, in January. But we have swept  
12 that area thoroughly since that time, but it could re-  
13 occur. Heavy ice jams can easily shift boulders from the  
14 bank and roll them into the channel.

15 Q. Is it not a fact that on the de Chambault  
16 Pointe there are quite a number of loose, large boulders  
17 that can easily be drifted by an ice jam in the spring.

18 A. It is possible, yes. The heavy concen-  
19 trated ice jam would certainly be able to move boulders  
20 of quite large size.

21 Q. Now, comparison was made between the  
22 navigational hazards below and above Montreal. Have you  
23 got any statistics on the density of traffic in the two  
24 districts, compared to one another?

25 A. No. I can't supply that here. The  
26 Signals Service Pilotage Office would have records and  
27 they would be available through the Pilotage Service.

28 Q. But from your own personal experience  
29 and knowledge, would you say that the traffic is heavier  
30 above Montreal than it is below Montreal?







1 A. No, I wouldn't say so, no. Above ---  
2 It depends on how far up you go. If you take in the lake  
3 areas, certainly; but the ships that come up through the  
4 St. Lawrence, some come out right through the Seaway  
5 channel and others stop in Montreal.

6 Q. But I was saying in the Seaway. Would you  
7 say traffic is heavier there than it is in Quebec and  
8 Montreal?

9 A. I wouldn't be able to answer you directly.  
10 I am sorry.

11 Q. For the record, to make it quite clear,  
12 since mention has been made of the effect of the tide and  
13 the currents, what is the farthest point of the river  
14 where the tide is felt in Quebec and Montreal?

15 A. At Three Rivers there is an effect felt  
16 in the variation of water levels, but a very small reduc-  
17 tion in velocity. I do not think the reduction in current  
18 velocity is appreciable. It is just the different in  
19 depth which occurs because of the tide.

20 Q. Now, in reply to a question by my friend,  
21 Mr. Brisset and also my friend, Mr. Mahoney, mention was  
22 made that you did your widening programme in the most  
23 critical parts of the river?

24 A. Yes.

25 Q. Would you be prepared to say that the  
26 fact that the channel in those critical locations had  
27 been widened to 800 feet has removed all navigational  
28 hazards?

29 A. Oh, not at all. There are always hazards.

30 Q. Is it not a fact that this channel, the





1 spots or locations had become critical to a navigational  
2 point of view due to the increased size of modern cargo  
3 vessels?

4 A. Yes --- that and the increase in the  
5 number of ships.

6 Q. Increase in the number of ships?

7 A. Yes.

8 Q. Is it not a fact also that the factor  
9 which was quite important in your decision to widen the  
10 channel was the fact that large passenger liners which  
11 used to call at Quebec only are now coming up to Montreal?

12 A. That also has a tendency to increase the  
13 problem, naturally.

14 Q. Is it not a fact also that these large  
15 passenger liners would require more sea room to manœuvre,  
16 to negotiate in these curves and also to meet other  
17 large ships?

18 A. Yes. They are quite beamy. They are  
19 very wide ships and have enormous superstructure in many  
20 cases. I would imagine it would be more difficult to  
21 meet other ships with several passenger ships of that  
22 size in the river.

23 Q. I notice you are not keeping statistics  
24 on the traffic in the St. Lawrence, but would you have  
25 any information as to the increase of traffic between  
26 Montreal and Quebec for the last ten years? Could you  
27 give us the percentage of the increase?

28 A. That would be very, very difficult. I  
29 think at the present time the average number of ships  
30 coming into Montreal is about 6,000, or thereabouts,







1 per annum. I am not sure what the percentage of increase  
2 would have been from 1950, or so. I would have to go  
3 back in the records there. I couldn't answer that firmly.

4 Q. Now, one question about your sweeps:  
5 would you mind telling the Commission what is the  
6 degree of accuracy of these sweeps?

7 A. Yes. We sweep, in water that is not  
8 affected by tidal variation during the day --- we can  
9 set the depth of our bar to the nearest inch required  
10 and in areas where we have to consider the tidal  
11 fluctuations, we can keep it within three inches by being  
12 careful. In the areas below Quebec, for instance, what  
13 we do is to set the bar or the sounding boom, as we  
14 call it, below the actual sweeping requirements so that  
15 we have a margin of safety. A 3 inch variation there  
16 would be on the safe side.

17 Q. Is it not a fact, Mr. Land, that in  
18 swift currents it can vary from a few inches to one foot?

19 A. I am not quite sure what ----

20 Q. I mean the accuracy of those depths  
21 recorded could vary from a few inches to at least one  
22 foot?

23 A. I do not think there should be any  
24 variation as large as a foot, because we keep a very  
25 close record of the gauge variations. In areas where  
26 the gauges are some distance from the ship and difficult  
27 to see with a telescope we have observers anchored at  
28 the gauge and we communicate by radio telephone or  
29 walkie-talkies. They are in constant communication with  
30 the bridge of a ship doing the sweeping, so that every





1 variation is noticed. That is in the areas below Quebec.

2 Q. But above Quebec.

3 A. Above Quebec we are usually in an area  
4 where we can note the gauge and we can see the gauge,  
5 very close to the ship; and in areas above tidal  
6 variation, there is hardly any change during the day.

7 Q. But what I have in mind is, supposing  
8 there is an obstruction in the channel of Cap Charles  
9 or in the Richelieu Rapids, and one of your ships is  
10 sent to carry out sweeping, is it not possible to miss  
11 an obstruction which would be as big as one foot above  
12 the river bed?

13 A. Well, if it is a foot above the river  
14 bed, it may not be a foot above the grade line. If the  
15 lines are not run close enough to overlap, you could  
16 miss it; but if the lines are --- if they completely  
17 cover the area, I do not think you can miss it. It  
18 depends on the care of the operators and we depend on  
19 them to follow the line very closely.

20 Q. Now, one last question: when was the  
21 last improvements carried out in the district, in the  
22 dredged channel below Quebec?

23 A. The improvements there --- the last  
24 improvement was a widening of Madame Reef, the up stream  
25 end of the dredged channel, just below St. Jean. That  
26 was widened from 500 feet to a 1,000 feet. As I recall,  
27 it was in the late forties --- 1947 or so. That is  
28 capital improvement.

29 Q. This was the last improvement?

30 A. The last capital improvement. And since







1 then we have been dredging, maintenance dredging for  
2 a number of years.

3 Q. So even though the volume of traffic,  
4 the size of ships have changed in the last fifteen or  
5 seventeen years, no major capital improvement has been  
6 done in the channel below Quebec?

7 A. No. We have the channel with a minimum  
8 width of 1,000 feet there, and there hasn't been any  
9 particular demand directed to the Department, as far as  
10 I know, to widen this still more.

11 Q. No increase in the depth of the dredged  
12 channel either?

13 A. No.

14 MR. LANGLOIS: Thank you.

15 COMMISSIONER SMITH: Mr. Land, you mentioned  
16 an experiment carried out in 1914 on the Lady Grey with  
17 regard to the squatting question?

18 THE WITNESS: Yes.

19 COMMISSIONER SMITH: No, the Lady Grey was not  
20 a particularly large ship. Would it be axiomatic ---  
21 you mentioned that she squatted 8 inches ---?

22 THE WITNESS: 9.

23 COMMISSIONER SMITH: Would it be axiomatic  
24 that a larger ship, a larger size, a larger draught,  
25 larger tonnage, would increase to a greater extent than  
26 the 9 inches?

27 THE WITNESS: Definitely so.

28 COMMISSIONER SMITH: That would be axiomatic?

29 THE WITNESS: Oh, yes.

30 COMMISSIONER SMITH: Thank you.





1 THE CHAIRMAN: I think we will need some  
2 further information as to the effect of squatting later  
3 on in this hearing --- not in this hearing but by some  
4 experts. I think, from what I have heard so far, that  
5 the shape of the bottom of the ship also has quite an  
6 effect; so a flat bottom ship will have more squat  
7 than another one.

8 MR. JACQUES: On this point, my lord, I have  
9 just been instructed today that the Esso at the Standard  
10 Oil Company of New Jersey, has carried out surveys and  
11 studies as regards the tankers using the Suez Canal,  
12 and this morning I have asked the Nautical Adviser to  
13 get in touch with the Imperial Oil people in Toronto and  
14 find out if we could not have surveys or studies which  
15 have been made here in the St. Lawrence, if it is  
16 possible, and at the same time we might inquire whether  
17 these people who carry out surveys would be agreeable  
18 to come to Canada before the Commission.

19 THE CHAIRMAN: Yes. I understand that this is  
20 a very special kind of ship. That is a tanker. I  
21 suppose those tankers are flat-bottomed. Then you have  
22 the liners --- the ocean-going ships --- and I think the  
23 squat effect would be quite different. So maybe our  
24 adviser could look into the matter and try to give us  
25 some details on that.

26 MR. JACQUES: I may be wrong but I think  
27 tankers and bulk carriers are the deepest laden ships  
28 plying the St. Lawrence and that the passenger ships,  
29 above the water level, they do not have as much.

30 THE CHAIRMAN: We would like to have the







1 squatting effects on all types of ships that are plying  
2 the river.

3 MR. JACQUES: I think so, my lord.

4  
5 CROSS-EXAMINATION BY MR. BRISSET:

6  
7 Q. Mr. Land, are you aware of any grounding  
8 that would have ever occurred at Cap Gribane in the  
9 channel?

10 A. There have been reports of ships touch-  
11 ing and that is, technically, a grounding, but I do not  
12 think any ships have stopped due to grounding. They  
13 have reported that something has touched their hull in  
14 passing.

15 Q. That would be sand on the bottom?

16 A. Yes.

17 Q. Not likely to damage any ship?

18 A. Not likely, no.

19 Q. Do you receive copies of reports made  
20 by the pilots to the Pilotage Authorities on groundings?

21 A. Yes, particularly if we request them.  
22 I do not think we receive them as a matter of course.

23 Q. Would you think it advantageous to be  
24 furnished with these?

25 A. Yes, definitely so.

26 Q. Am I correct in stating that in most  
27 cases --- not in all cases --- grounding occurs because  
28 the ship goes out of the channel rather than stays within  
29 the channel?

30 A. That is the most frequent cause of a





1 touching, I believe, yes.

2

3 CROSS-EXAMINATION BY MR. JACQUES:

4

5 Q. You were asked whether it was possible  
6 for boulders to roll into the channel or to be carried  
7 into the channel by ice and you were asked if other  
8 events were possible, by Mr. Langlois, recently. Now,  
9 would these events be probable?

10 A. Yes. I would say they would be probable  
11 because of the heavy concentration of ice, particularly  
12 in the Montreal area and also to a lesser extent, as far  
13 as frequency is concerned, below Three Rivers where we  
14 occasionally have a very heavy concentration at Bar  
15 Boulard or down below Portneuf and St. Antoine.

16 Q. But these events can be caused by ice?

17 A. Definitely by ice.

18 Q. And after you have carried on your survey  
19 there is no ice in the river, is there?

20 A. No.

21 Q. So after you have carried on your survey,  
22 these phenomena would not be likely to occur until the  
23 following winter?

24 A. Not at all, no.

25 Q. These events would be particularly  
26 dangerous to winter navigation, would they not?

27 A. Yes. They would be certainly a hazard  
28 for deep-draught ships.

29 Q. Now, based on your long experience on the  
30 channel, how safe is your channel during the navigation







1 season?

2 A. During the navigation season? We take  
3 pride in our channel being as safe as any channel  
4 comparable in nature in the world and I think it is  
5 definitely a safe channel, with precaution and navigation  
6 and normal precaution.

7 Q. To the best of your knowledge, how many  
8 accidents have happened which might have been caused by  
9 a lack of maintenance of the channel?

10 A. Now, I am not prepared to admit to any  
11 of those.

12 Q. I do not know whether you are prepared to  
13 admit or not, but I would like to know whether any such  
14 events have happened?

15 A. Not to my knowledge.

16 MR. LALONDE: My lord, I have an objection at  
17 this point. The witness has no knowledge as to all  
18 accidents occurring in the river. I do not know whether  
19 he can be asked this question.

20 MR. JACQUES: This witness has been asked so  
21 many opinions on so many things for which he was obviously  
22 not competent that one question more would not matter.  
23 I think he is competent to answer the question. If he says  
24 that he has no record of such accidents, I certainly will  
25 not force him to admit that there have been accidents or  
26 that there could have been accidents.

27 MR. LALONDE: It is not a question of opinion.  
28 It is a question of knowing or not, or whether he has a  
29 record of all accidents, and he said that he received  
30 only reports of some groundings or some accidents. I





1 have no objection to the information ----

2 THE CHAIRMAN: I think the witness is going to  
3 qualify his answer. From what we have heard so far from  
4 the witness I do not think he is competent to answer the  
5 question.

6 MR. JACQUES: He doesn't let himself be led  
7 into any trap.

8 THE CHAIRMAN: No. That does not mean that any  
9 trap has been set for him.

10 MR. JACQUES: I am glad your lordship added  
11 the comment.

12 THE WITNESS: I do not think we have any record  
13 of an accident happening as a direct result of the  
14 channel not being maintained carefully.

15 MR. JACQUES: Thank you, sir. Now, one other  
16 question: we are primarily concerned with the use of the  
17 channel. How would users of the channel most readily  
18 ascertain the depth of water available?

19 THE WITNESS: By consulting the daily records  
20 indicated on the bulletins issued by the Signals Service.  
21 The depths are indicated on the bulletin every day.

22 Q. Does that apply above and below Montreal?

23 A. Well, it certainly applies below Montreal.  
24 I do not think there is a recording of a similar nature  
25 above Montreal. The situation is quite different there.  
26 There is a controlled navigation depth above Montreal;  
27 whereas there is a variable depth below Montreal.

28 Q. So below Montreal the users of the  
29 channel would ascertain the depth available by consulting  
30 those notices?







1 A. Certainly, yes.

2 Q. How could they most readily ascertain  
3 the currents, direction and speed?

4 A. Only insofar as this information is in-  
5 dicated on the hydrographic navigation charts.

6 Q. And I believe that you said some time  
7 ago that you had found that the information contained in  
8 the charts was accurate but perhaps not complete?

9 A. It is limited.

10 Q. It is limited?

11 A. Yes.

12 Q. Would frequent use of the channel result  
13 in more knowledge being gained by the user thereof?

14 A. Oh, yes, definitely so.

15 Q. Do you think that through this more  
16 frequent use he would know of some facts and things which  
17 are not contained in the charts or in the daily notices?

18 A. Oh, yes. That is quite obvious. Any one  
19 travelling up and down this channel would gain knowledge  
20 of a local nature, applied to the various areas of the  
21 river, and that is certainly very true.

22 Q. Would this knowledge be obtainable else-  
23 where?

24 A. No, excepting by dissemination of infor-  
25 mation by failing --- that is, by word of mouth.

26 MR. JACQUES: Thank you very much.

27

28

29

30





CROSS-EXAMINATION BY MR. LALONDE:

Q. About one of the questions you have answered which was asked by my friend Mr. Jacques, do I understand you to say that no accident ever occurred to a ship which would have been due to some obstructions, like a boulder or a sunken anchor, or a sunken buoy, in the channel?

A. Well, I believe ships have scraped against sunken buoys, and there have been accidents I think of a minor nature in that regard, yes.

Q. Therefore one could always say --- I understand maintenance can't be perfect, but one could always say this is lack of maintenance in a way?

A. Well, it might be implied, but as I indicated some time ago, yesterday I think, things of this nature can occur. Obstacles might appear directly or shortly after an examination has been made. If I can make an analogy, it is like an examination of a railway track prior to the passing of a train in the mountain sections. Shortly after that a boulder might come down.

Q. How many ships do you have carrying out the sweeping on the St. Lawrence River?

A. We have two which carry the sweeping gear on the boat, and then we have two units with accompanying scows. That is in the section below Montreal. We also have two sweeping units in the Seaway section.

Q. Do you carry out the sweeping in the







1 dredged section every year in your whole district?

2 A. Yes, there is a maintenance examination.

3 Q. Every year?

4 A. Every year, yes.

5 THE CHAIRMAN: I have one question. You men-  
6 tioned that the wind may have some effect on the water  
7 level. You mentioned the north-east wind. Would that  
8 have a plus or minus effect?

9 THE WITNESS: A north-east wind would have a  
10 plus effect.

11 THE CHAIRMAN: Not a minus effect?

12 THE WITNESS: No. South-west would have a  
13 minus effect.

14 THE CHAIRMAN: So it would give more water for  
15 a ship?

16 THE WITNESS: It would give more water for a  
17 short period, yes.

18 THE CHAIRMAN: Would there be any wind that you  
19 know of in the St. Lawrence River that would give a minus  
20 effect on the water level?

21 THE WITNESS: Yes, a strong south-westerly wind  
22 prevailing for some time would reduce the level in  
23 Montreal. It would increase the run-off.

24 Q. That would not happen below Montreal?

25 A. Well, below Montreal it would not be so  
26 effective, because you get into the tidal areas. It would  
27 reduce the height of the tide perhaps in actual height,  
28 as a north wind would increase it.

29 THE CHAIRMAN: Thank you, Mr. Land. We will  
30 adjourn for a few minutes.





1 ---- Short recess.

2

3 THE CHAIRMAN: Mr. Jacques, I see that you have  
4 another witness there, but we have promised Mr. Burnside  
5 that he would be the first this morning.

6 MR. JACQUES: I have spoken to Mr. Burnside  
7 about that, sir, and he is agreeable to give his turn to  
8 someone else for the moment.

9

10 RICHARD FOLEY, sworn

11

12 DIRECT EXAMINATION BY MR. JACQUES:

13

14 Q. Sir, I believe that you do business under  
15 the name of Montreal Boilers, Scaling and Ship Repairs.  
16 Is that correct?

17 A. Yes.

18 Q. I also believe that some years ago you  
19 applied to the Provincial Transportation Board for a  
20 permit to carry passengers within the harbour of Montreal.  
21 Is that correct?

22 A. That is correct.

23 Q. And I am also instructed that it was  
24 your intention to carry pilots as passengers to and from  
25 ships. Is that correct?

26 A. That is correct.

27 Q. Would you tell the Commission what  
28 happened at that time?

29 A. I have a cargo service now in the Seaway,  
30 and we have some good equipment, so being that I have to







1 keep men twenty-fours hours a day, I suggested that we  
2 would start a service the same as the Montreal Boatman,  
3 back and forth to the vessels, but we would like to bid  
4 for that job, like between the two of us, competition.  
5 Like I would charge so much a pilot, or so much for the  
6 customers, or so much a passenger.

7 We went ahead, and we had arranged with the  
8 Customs to do the Customs work, and we went and got a  
9 bond. We were well insured, and had everything to go  
10 ahead, and the Montreal Boatman, they blocked us. So I  
11 didn't want no trouble in court, and they also sent us  
12 a letter, which you have on file, that we couldn't  
13 continue with our service.

14 So we made an application to the Quebec Service  
15 Board for to have a passenger service besides Montreal  
16 Boatman, so they would have some competition and as I  
17 said before we have men twenty-four hours a day, and we  
18 were willing to give a reasonable price to the ship owners  
19 for to take the pilots, Customs, and also bring the  
20 passengers back and forth.

21 It was all arranged and I gave my price to the  
22 Shipping Federation, and I believe they sent it around  
23 to the ship owners, and the same thing, the price went  
24 to the Customs, and it was all accepted.

25 So when we went before the Board, the Board  
26 said they have the decision to make. It is a public  
27 service, and they said they had one boatman here and that  
28 is enough. So I explained, well, you have got a boatman  
29 but he has got no competition. Sometimes the passengers  
30 go there and they have to wait some times half an hour,





1 some times three-quarters of an hour. I didn't say their  
2 service is absolutely no good, but there were delays, and  
3 Doctor Paquette, who at that time was in charge of the  
4 Agriculture, they used to go out, and he warned the boat-  
5 men three or four times that they would have to do some-  
6 thing about it, and that was the reason we made the  
7 application, because at that time the service was slack,  
8 and they were charging whatever price they wanted. They  
9 didn't have a set price. Depending upon who was going  
10 on they would charge.

11

12 CROSS-EXAMINATION BY MR. LANGLOIS:

13

14 Q. Mr. Foley, would you mind telling us what  
15 was the year that you made your application to the Public  
16 Service Board?

17 A. I think it was 1960, and we got a reply  
18 from the Quebec Government that it was not necessary to  
19 have any more than one boatman, and yet some other boats  
20 do have the service.

21 Q. Was there a hearing on your application?

22 A. Yes, there was a hearing here in this  
23 court house, in another room, though. It was kind of a  
24 hearing.

25 Q. Did you bring witnesses to establish ---

26 A. I didn't know that I needed all that.  
27 I made application, and I just came myself. I didn't know  
28 I would meet all this, and I came unprepared more or less.

29 Q. You stated that you had already made  
30 arrangements with the Customs?







1 A. Yes.

2 Q. Did you apply to have a special contract  
3 permit only for the Customs?

4 A. No. I had made arrangements with the  
5 Customs to take, at a certain price to take them back and  
6 forth, and I went to the Shipping Federation, and I went  
7 to a lot of the ship owners. I went to the ship  
8 chandlers, and I got a bond, and we were all set up to  
9 go. Then the Montreal Boatman's lawyer sent me a letter  
10 and said if I did that they would sue me, and I didn't  
11 want to have no trouble.

12 Q. Did you know that even though your  
13 application was turned down for a permit to service the  
14 public generally, that you could have made a restricted  
15 application for a special contract with the Customs?

16 A. Well, I didn't know that. I had a lawyer.  
17 We were going to go into it deeper and the lawyer asked  
18 me for \$200.00, and you have the letter there, so I said  
19 why spend money for nothing?

20 MR. JACQUES: The decision of the Board in this  
21 particular case will be filed as soon as it is obtained  
22 from the Board, my lord.

23 THE CHAIRMAN: Thank you, Mr. Foley.

24

25

26

27

28

29

30





1

2

HUGH GRANT MURRAY, sworn

3

4

DIRECT EXAMINATION BY MR. JACQUES:

5

6

7

Q. Would you please tell the Commission your full name and your age?

8

A. Hugh Grant Murray, 66.

9

Q. What is your occupation?

10

A. Port Warden.

11

Q. How long have you been Port Warden?

12

A. Since 1953.

13

MR. LANGLOIS: Is that in Montreal?

14

MR. JACQUES: Yes.

15

Q. Previous to becoming Port Warden, did you have any experience on ships?

16

A. Yes.

17

18

Q. Would you state that experience, please,

19

20

A. Well, I was in home trade with seven or

21

Q. You did serve on ships?

22

A. Yes.

23

Q. In what capacity?

24

A. Up to chief officer.

25

Q. Do you hold a certificate?

26

A. Master mariner.

27

Q. It was granted where and when?

28

A. Dundee, 1920.

29

Q. I show you, sir, a booklet entitled

30

"Rules and By-laws of the Office of the Port Warden of







1 the Harbour of Montreal", printed in 1957.

2 Would you tell the Commission whether these  
3 rules and by-laws are still in force and are complete?

4 A. Yes.

5 MR. JACQUES: May I have this document marked  
6 as exhibit number 490 for identification?

7  
8 --- Exhibit No. 490: Rules and By-laws  
9 of the Office of  
10 Port Warden of the  
Harbour of Montreal.

11  
12 Q. Am I correct, sir, in stating that you  
13 hold office under a special statute, which is not The  
14 Merchant Shipping Act, or would you know of that, sir?

15 A. Well, it is an Act of Parliament.

16 Q. Yes, but it is not The Merchant Shipping  
17 Act, or would you know that?

18 A. Well, I don't know.

19 Q. I draw your attention to page 17 of these  
20 Rules and By-laws, exhibit 490, to the following  
21 paragraph, and I quote:

22 "The Port Warden shall not issue his certifi-  
23 cate for clearance to any vessel which in his  
24 judgment is too deeply laden to pass with  
25 safety through the ship channel between  
26 Montreal and Quebec."

27 First, would you explain what certificate for  
28 clearance you issue to vessels?

29 A. We issue a clearance certificate.

30 Q. And what guides you?





1 A. A seaworthiness certificate that the ship  
2 is seaworthy and properly loaded under our supervision,  
3 and can proceed to sea.

4 Q. Yes. Would your certificate cover any  
5 other aspect?

6 A. No. That is the main aspect, and we  
7 examine the ships for draught.

8 Q. Do you examine hatches, to see that they  
9 are battened down?

10 A. No, they do that going down the river.  
11 That is the common practice.

12 Q. And I believe, sir, that you have adopted  
13 rules as regards an under keel clearance for vessels  
14 leaving Montreal?

15 A. That is right.

16 Q. I show you a document bearing no date,  
17 but giving the under keel clearance. Would you tell me  
18 whether this document is up-to-date?

19 A. That is up-to-date, yes. The date that  
20 this meeting was held was November 1st, 1960.

21 Q. So this document which shows the under  
22 keel clearance is applicable since November 1st, 1960.  
23 Is that correct?

24 A. That is correct, yes.

25 MR. JACQUES: May I have this document marked  
26 as exhibit number 491 for identification.

27

28 --- Exhibit No. 491: Applicable under  
29 keel clearance for  
30 the Harbour of  
Montreal in force  
since 1 November,  
1960.







1 Q. Would you tell the Commission who set  
2 these under keel clearances?

3 A. Well, I can only read from the minutes  
4 here, and I haven't had time to go through them. I only  
5 received this on the way to this meeting.

6 Q. They are the minutes of whose body?

7 A. The Montreal Board of Trade. There is a  
8 meeting here dated Montreal, Wednesday, August 29th, 1934.

9 Q. Would you read these minutes, please?

10 A. The minutes of the meeting of Board of  
11 Examiners for the Office of Port Warden, held at 2.15  
12 o'clock p.m. in the rooms of the Board of Trade.  
13 Present were R. J. Dale, Chairman; H. D. Dwyer; Zeph.  
14 Hebert; J. W. Nicholl, and the Port Warden.

15 The Chairman submitted a copy of a letter  
16 which the Shipping Federation had recently received from  
17 the Department of Marine, Ottawa, showing that  
18 immediately on leaving the harbour the water in the  
19 channel commenced deepening, there being 9 inches  
20 additional depth at Longue Pointe, 11 inches at Varennes,  
21 2 feet 1 inch at Lanoraie, and 2 feet 3 inches at Sorel,  
22 these increases being apparently largely due to the  
23 dams in the Sorel Islands. This information, which was  
24 only made available to the Port Warden yesterday after-  
25 noon, entirely changed the situation, and Captain Brown  
26 stated that under the circumstances he would be quite  
27 willing to deduct a foot from the clearance (8 feet 6  
28 inches) presently required between the bottom of the  
29 vessel and the bottom of the harbour and channel.

30 The meeting adjourned, and a general meeting





1 of the interests concerned called to meet the Examiners  
2 was convened in the Council Chamber of the Board at  
3 2.30, there being present R. J. Dale, Chairman; H. D.  
4 Dwyer; Zeph. Hebert; J. W. Nicoll; The Port Warden;  
5 E. Hawken, Deputy Minister of Marine; N. B. MacLean,  
6 Chief Engineer, Ship Channel; L. G. Dixon, Marine  
7 Superintendent, Department of Marine; Captain D.  
8 MacCallum, Marine Superintendent, C.P.S.; Pilot Jos.  
9 Perrault, C.P.S.; A. L. Lawes, Montreal Shipping Company;  
10 A. L. W. MacCallum, Shipping Federation of Canada;  
11 W. R. Eakin, Vice-president, Shipping Federation of  
12 Canada; Captain H. Kane, Shipping Federation of Canada;  
13 Alberic Angers, Montreal Pilot; Tuncrede Perron,  
14 Montreal Pilot; Bona Dussault, Montreal Pilot; C. B.  
15 Hamelin, Secretary-treasurer, Montreal Pilots;  
16 P. Leclaire, Montreal Harbour Commission; C. J. Stuart,  
17 Hayes, Stuart and Company Limited; C. G. Ross, President,  
18 Canadian Board of Marine Underwriters; Captain David  
19 Isles; R. J. Magor, President; and Clinton Henderson,  
20 First Vice-President, Montreal Board of Trade; and  
21 J. Stanley Cook, Secretary.

22 The Chairman explained that he had called this  
23 meeting of representatives of various interests to  
24 secure for the Examiners the benefit of their advice in  
25 coming to a decision as to the granting of a request  
26 from the Shipping Federation that the present clearance,  
27 3 feet 6 inches, required by the Port Warden under  
28 vessels loading in the port be reduced to 2 feet 6 inches  
29 in the case of ships up to 8,500 tons.

30 It appeared that the present figure had been







1 decided upon many years ago, and had remained unchanged  
2 up to the present. The present low water in the harbour  
3 and channel, together with the belief that a lesser  
4 clearance could be safely adopted, led to the Federation's  
5 representations. In principle, Mr. Dale stated final  
6 responsibility rested upon the ship's masters and the  
7 pilots.

8 The Shipping Federation's letter was read,  
9 and the various interests represented, with the exception  
10 of the underwriters, unanimously approved of the adoption  
11 of a 2 feet 6 inch clearance, one foot less than present-  
12 ly in effect.

13 The conclusion was apparently based largely  
14 on the information from the Department of Marine, Ottawa,  
15 indicating that commencing at Longue Pointe, where there  
16 was a depth of 9 inches additional to Montreal, the  
17 depth out of Montreal steadily increased, reaching 2 feet  
18 3 inches at Sorel, due largely to the dams in the Sorel  
19 Islands. It also developed that the harbour authorities,  
20 by cleaning lumps and other obstructions in the harbour

21 proper, had so increased the depth of  
22 water in the port as to render the adoption of the  
23 proposed clearance 2 feet 6 inches quite safe.

24 Mr. Ross, representing the Marine Underwriters,  
25 stated that they had not had communication of the letter  
26 of the Department of Marine when concluding, as they had,  
27 that a reduction of 6 inches in the clearance would be  
28 safe. He admitted, however, that the figures given by  
29 the Department materially changed the situation, and  
30 stated that before committing themselves they would have





1 to give further consideration to the question.

2 It was apparently the general opinion of the  
3 meeting that the proposed clearance should apply to full  
4 grain cargo vessels, as well as to liners within the  
5 limitations suggested by the Shipping Federation.

6 The Deputy Minister, Mr. Hawken, kindly offered  
7 to keep the Port Warden advised daily by telephone of  
8 the depth of water at such points in the channel as might  
9 be of assistance to him in the performance of his duties.

10 The Chairman thanked the Deputy Minister, and  
11 representatives of other interests, for their attendance,  
12 and the meeting was then adjourned.

13 Further to this in the minutes this is dated  
14 Montreal, Wednesday, 29th, 1934, minutes of meeting.  
15 The Board of Examiners for the Office of Port Warden held  
16 this day at 3.45 p.m.

17 Present: R. J. Dale, Chairman; H. D. Dwyer;  
18 K. W. Nicoll, and the Port Warden.

19 The members present had attended the general  
20 meeting just closed. It was unanimously decided to  
21 authorize the Port Warden to grant certificates to  
22 vessels up to a dead weight tonnage of 8,500 tons with  
23 a clearance of not less than 2 feet 6 inches under them,  
24 subject however to his discretion in each individual  
25 case, having in view the requirements for safe navigation  
26 in the harbour and river channels.

27 The meeting was thereafter adjourned.

28 MR. JACQUES: My lord, may I say at this point  
29 that the Port Warden in Montreal is appointed under an  
30 Act, being 45 Victoria Chapter 45, Section 5.







1 THE CHAIRMAN: Do you know the title of the  
2 statute?

3 MR. JACQUES: An Act to amend and consolidate  
4 the Acts relating to the Office of Port Warden for the  
5 Harbour of Montreal, assented to 17 May, 1882. The  
6 Council of the Board of Trade sanctions the by-laws  
7 applicable to the Port Warden.

8 I am instructed by the Secretary to the Board  
9 of Trade that this minute which has been read is the  
10 first which he has been able to find, the oldest one  
11 which he has been able to find in the records of the  
12 Board of Trade. If my learned friends want the Secretary  
13 to appear before the Commission, we could ask him to do  
14 so quite easily, but if they are satisfied that this  
15 information is accurate, which I believe it is, we might  
16 dispense with the appearance of the Secretary.

17 MR. LALONDE: I have no objection, my lord.

18 Q. I believe that another minute was adopted  
19 later on with respect to the under keel clearance also?

20 A. A special meeting held in the offices of  
21 the Shipping Federation of Canada, dealing with clearan-  
22 ces required by the Port Warden for vessels leaving the  
23 harbour of Montreal, on November 1st, 1960.

24 Representing the Port Warden's Office, Colonel  
25 I. H. Eaking, Chairman, Board of Examiners for the Office  
26 of Port Warden, Captain H. G. Murray, Port Warden.  
27 Representing the Shipping Federation of Canada, Mr. C. T.  
28 Mearns, Secretary, Shipping Federation of Canada;  
29 representing shipping companies, Captain M. Wace, Canadian  
30 Overseas Shipping Limited; Captain E. N. Rees-Potter,





1 Cunard Steamship Company Limited; Captain C. E. Duggan,  
2 Canadian Pacific Steamships Limited; Captain C. H. D.  
3 Evans, Furness, Withy and Company Limited; Captain  
4 T. E. Kirkbride, Kerr Steamships Limited; Captain P. N.  
5 Bolger, McLean, Kennedy Limited; Captain A. G. Rhind,  
6 Montreal, Australia, New Zealand Line Limited; Captain  
7 A. C. Tyler, Montreal Shipping Company Limited; Captain  
8 J. A. Shaw, Robert Reford Company Limited; J. B. Garvie,  
9 Saguenay Shipping Limited; Captain E. Risberg, Sealakes  
10 Shipping Corporation.

11 "Col. I. H. Eaking welcomed those present and  
12 thanked them for attending this special meeting called  
13 to discuss the subject of clearance required by the Port  
14 Warden. He noted that the recent low level of water in  
15 the harbour necessitated a review of the subject of  
16 clearance required under vessels. A similar meeting had  
17 been held in 1934 at which time the level of water had  
18 reached a similarly low point. The present practice of  
19 the Port Warden's Office is to grant certificates to  
20 vessels up to a dead weight tonnage of 8500 provided  
21 they have clearance of not less than 2'6" under them and  
22 to grant certificates to vessels with a dead weight  
23 tonnage of over 8500 provided they have a clearance of  
24 3'6" under them, subject however to his discretion in  
25 each individual case. This procedure has been in effect  
26 since 1934."

27 "Capt. Murray expressed the view that it would  
28 be more reasonable to base the amount of clearance  
29 required on the beam of the ship rather than the dead  
30 weight. It was also noted that many other factors should







1 be considered in determining the clearance -- the amount  
2 the stern of the ship goes down when the ship is on full  
3 steam and whether or not the ship is loaded evenly."

4 "While it was noted that the Port Warden has  
5 discretion in all cases, he wanted the views of those  
6 present on a reasonable guide that could be applied in  
7 most cases. For discussion purposes, he presented the  
8 following revision of clearances required."

9 Q. Before you read the table, are you able  
10 to say whether this was the table which was adopted  
11 eventually?

12 A. This is a copy of this.

13 Q. Would you speak into the microphone,  
14 please.

15 A. This is a copy of what is in that.

16 Q. So exhibit 491 would reproduce exactly  
17 the table given in your minutes?

18 A. Yes.

19 Q. Thank you. You might dispense with the  
20 reading of the table, please.

21 "It was unanimously agreed by those present that  
22 the above limits were reasonable and should be agreeable  
23 to the shipping companies, provided of course that it be  
24 understood that the Port Warden would be free to discuss  
25 any deviations from this with the Master of the ship and  
26 that the ultimate responsibility would still rest with  
27 the Master of the vessel."

28 "It was agreed that the above limits as agreed  
29 would be circulated by the Shipping Federation to its  
30 members. They would not be included in the Port Warden's





1 regulations, as this matter is presently at his discretion,  
2 the regulations reading as follows: 'The Port Warden  
3 shall not issue his certificate or clearance to any vessel  
4 which in his judgment is too deeply laden to pass with  
5 safety through the ship channel between Montreal and  
6 Quebec.'"

7 Q. So these rules were adopted, more or less  
8 as a guide about whether you should grant a clearance or  
9 not?

10 A. Yes.

11 Q. That is what it appears to be. You  
12 attended that meeting. Do you recall if the pilots were  
13 convened at that meeting?

14 A. No. I do not think there were any pilots  
15 there, as I understood it, the indications were sent by  
16 the Shipping Federation.

17 Q. Do you think that the pilots should have  
18 been consulted in that respect?

19 A. I think it would have been wise, yes.

20 Q. You think it would have been wise if they  
21 had been?

22 A. Yes.

23 Q. Since these new rules have been adopted,  
24 or since you have been advised to follow these rules,  
25 have you had any complaints either from the ship owners  
26 or the pilots in respect to under the keel clearance?

27 A. Nothing from the pilots, no complaints  
28 at all. I have had no direct complaints. I have heard  
29 of two, indirect.

30 Q. Two indirectly?







1 A. Yes.

2 Q. And what were they?

3 A. Well, they seemed to think that this  
4 clearance under the ship's keel is too much.

5 Q. Too much clearance?

6 A. This is only hearsay on my part; it  
7 didn't come to me direct.

8 Q. But that is what you heard?

9 A. That is hearsay.

10 Q. Now these rules, I believe, apply to ships  
11 leaving Montreal only?

12 A. Absolutely.

13 Q. As far as you know do you have any  
14 jurisdiction over under keel clearance of ships coming  
15 into Montreal?

16 A. None whatever.

17 Q. None whatever?

18 A. No.

19 Q. Am I right in saying then that a ship  
20 can come up to Montreal as deeply laden as she wishes but  
21 cannot leave Montreal with the same draught?

22 A. Yes.

23 Q. That is correct?

24 A. That is right.

25 MR. JACQUES: Thank you, sir. Your witness.

26

27 CROSS-EXAMINATION BY MR. LALONDE:

28

29 Q. Mr. Murray, do you have any jurisdiction  
30 outside the Montreal Harbour?





1 A. No, sir.

2 Q. Who are you responsible to, or, first of  
3 all, who appoints you?

4 A. The Montreal Board of Trade.

5 Q. You are appointed by the Montreal Board  
6 of Trade?

7 A. And finalized by the Governor-General.

8 Q. What is the Montreal Board of Trade?

9 A. I beg your pardon?

10 Q. What is the Montreal Board of Trade?

11 A. I think we all know what the Montreal  
12 Board of Trade is.

13 Q. I would like to know myself.

14 A. I am not a member of the Board of Trade,  
15 so I do not know anything more about it than you do.

16 THE CHAIRMAN: Can you say whether it is an  
17 incorporated body, whether it is a corporate body? You  
18 do not know anything about that?

19 THE WITNESS: No, I don't.

20 Q. Do you report to that body once in a while  
21 or are you on your own once you are appointed?

22 A. No. We have a board of examiners. There  
23 are five men who are members of the Montreal Board of  
24 Trade who hold a meeting once a month and then report  
25 back to the main Council of the Board of Trade. I am  
26 responsible to the Board of Examiners.

27 Q. Who appoints the Board of Examiners?

28 A. The Montreal Board of Trade.

29 Q. Are they elected or appointed, do you know?

30 A. The Montreal Board of Trade appoints them







1 --- the members of the Board of Trade.

2 Q. Is the Montreal Board of Trade the same  
3 thing as the Chambres au Commerce de Montreal?

4 A. I would say so, yes.

5 Q. Do you know for sure?

6 A. I am not clear on it.

7 MR. LALONDE: I do not know whether it would be  
8 useful for the Commission, but I would just submit that it  
9 might be worthwhile having a member, an officer of the  
10 Montreal Board of Trade appear before the Commission to  
11 explain the functioning of this organization. You may  
12 wish to consider it later.

13 THE CHAIRMAN: Yes. I think, in the role they  
14 play in the life of the harbour here, it would be worth-  
15 while for someone from this organization to come here and  
16 explain the functioning --- what they are.

17 MR. JACQUES: Very well, my lord, arrangements  
18 will be made.

19 Q. I understand you read the minutes of a  
20 meeting held on November 1st, 1960, at the office of the  
21 Shipping Federation of Canada?

22 A. Yes.

23 Q. Do you know whether this was a regular  
24 meeting of the Board of Examiners or what is it? What  
25 kind of meeting is that? You have the minute book there?

26 A. Yes.

27 Q. What do you keep in the minute book ---  
28 minutes book, I should say?

29 A. We keep the minutes of every meeting that  
30 the Board of Examiners hold.





1 Q. And this meeting of November 1, 1960,  
2 would be a meeting of the Board of Examiners; is that it?

3 A. This was a meeting at the Shipping  
4 Federation, the one I read.

5 Q. Yes. It was at the Shipping Federation?

6 A. It was at the Shipping Federation. This  
7 was a monthly meeting of the Board of Examiners of the  
8 Port Warden's Office.

9 Q. Were all the members of the Board of  
10 Examiners present?

11 A. No, just the Chairman ----

12 Q. And it appears in the Board of Examiners'  
13 minutes book?

14 A. Yes. It is in the minute here.

15 Q. Has this meeting been ratified by the  
16 full Board of Examiners at a subsequent meeting?

17 A. Yes. If you give me time, I might have  
18 it here.

19 THE CHAIRMAN: Is the witness competent in this  
20 respect? If we are going to have another representative  
21 of the Board of Trade, it might be the Secretary and he  
22 might be more in a position to give this information and  
23 to explain the minutes.

24 MR. LALONDE: If we could have somebody who  
25 will be in a position to explain those minutes.

26 THE CHAIRMAN: I think it might be worthwhile.

27 MR. LALONDE: Because it might be a different  
28 person from the person from the Board of Trade itself.

29 THE WITNESS: We had meetings in the Port  
30 Warden's Office of the Board of Examiners on this







1 problem before and after.

2 Q. I see.

3 A. Now, it will take me some time to go  
4 through the minutes because the minutes are held at the  
5 Board of Trade.

6 Q. Can you tell us who made the proposal for  
7 the clearance rule in Montreal Harbour at that particular  
8 meeting on November 1st, 1960? You mentioned the name  
9 but I have not taken a note of it.

10 A. I made up those figures for discussion  
11 at that meeting.

12 Q. They were proposed by yourself?

13 A. Yes, and open for discussion.

14 Q. Who called the meeting?

15 A. In 1961?

16 Q. Is it 1960? I understood November 1st,  
17 1960 --- or is it 1961?

18 A. The first of November, 1960. I think that  
19 this meeting was known by the Shipping Federation of  
20 Canada, possibly at Eaken's request, who was Chairman of  
21 the Board of Examiners.

22 Q. As far as you know, no pilots were  
23 invited to that meeting?

24 A. I don't think so.

25 Q. Were there?

26 A. That is not my responsibility. That is  
27 the responsibility of the Shipping Federation.

28 Q. Did you have any consultation yourself  
29 with the pilots in connection with these proposed rules?

30 A. No, I did not.





1 Q. Before or after?

2 A. No, I did not.

3 MR. LALONDE: Thank you, my lord.

4 THE WITNESS: Further to this meeting we had  
5 a meeting, if I can find it in the minutes on the 6th of  
6 June, 1962, which might be of interest. I found the  
7 first meeting, or, I do not know if it was the first  
8 meeting, a meeting after this November 1st meeting,  
9 1960. This is from the minutes in our office. This  
10 meeting was held on Wednesday, June 6th, 1962, at 11.00  
11 a.m. and present were Lieutenant-Colonel Eakin, who is  
12 Chairman, D. C. Connor, A. T. Connor, D. A. Hanson,  
13 Mr. Olive and Captain H. G. Murray. These are the five  
14 members of the Board of Examiners of the Port Warden's  
15 Office. If you want me to, concerning this, I can read  
16 the extract of this meeting.

17 MR. JACQUES: Yes, please.

18 THE WITNESS: "..... required down river  
19 clearance for ships leaving the Port of Montreal. Captain  
20 Murray reported that a member of the Shipping Federation  
21 of Canada had raised a question concerning the last two  
22 paragraphs contained in the minutes of the special  
23 meeting held in the offices of the Shipping Federation  
24 of Canada on November 1st, 1960,... Captain Murray was  
25 instructed by the Board to write the Shipping Federation  
26 of Canada requesting that the letter be sent to all  
27 their representatives, drawing attention to the rules  
28 and by-laws of the Office of the Port Warden, regulation  
29 17, wherein it is provided that the Port Warden shall  
30 not issue a certificate of clearance to any vessel,







1 which, in his judgment, is too deeply laden to pass with  
2 safety through the ship channel between Montreal and  
3 Quebec."

4 Q. Now then, in this minute which you have  
5 just read and an extract from the regulations, your  
6 discretion is exercised in accordance with the scale  
7 which was filed before the Commission, is it not, exhibit  
8 491?

9 A. I don't quite understand the question.

10 Q. Exhibit 491, which is a scale of under  
11 the keel clearance, is this the scale which you apply?

12 A. We carry out those regulations.

13 Q. You carry out those regulations?

14 A. Yes.

15 MR. JACQUES: Thank you.

16 THE CHAIRMAN: Mr. Jacques, can you read this  
17 scale into the record?

18 MR. JACQUES: Very well, my lord.

19 "The Port Warden shall not issue a certificate  
20 of clearance to any vessel which, in his judgment, is  
21 too deeply laden to pass with safety through the ship  
22 channel between Montreal and Quebec." The scale is  
23 divided into three columns. The left-hand column is  
24 entitled "Beam: up to 55 feet; the next line, 55 to  
25 65 feet; the next line, 65 to 75 feet; the next line  
26 75 to 85 feet; the next line over 85 feet.

27 The second column is entitled "Corresponding  
28 approximate dead weight". The first line "up to 8500  
29 tons; the second line 8,500 to 13,500 tons; the next  
30 line 13,500 to 18,500 tons; the next line 18,500 to





1 23,500 tons; the next line is over 23,500 tons.

2 The extreme right-hand colume is entitled  
3 "Clearance": 2 feet 06 inches; next line, 2 feet 09  
4 inches; 3 feet 00 inches; 3 feet 03 inches; 3 feet  
5 06 inches.

6 Q. Does it ever happen, Mr. Murray, that  
7 you refuse clearance to ships with a higher clearance  
8 than the one set in this table, for some reason?

9 A. No.

10 Q. You always apply this rule strictly?

11 A. Yes.

12 Q. Because there is, at the end of this  
13 regulation, in the paragraph which reads "Any reduction  
14 in the above clearance at the discretion of the Master  
15 of the vessel and the Port Warden." And I am quoting  
16 here from a reproduction, in quotes, in Kensington's  
17 Ship and Marine Engineering Notes, published in May,  
18 1962. Would you have this in your minutes as part of  
19 the regulation?

20 A. I just read from that meeting in 1960.  
21 That is just a copy. I just read that.

22 MR. JACQUES: Can I see your 1960 minutes,  
23 please. The statements which my friend has just read  
24 does not appear in the minutes but appears in the  
25 document.

26 MR. LALONDE: Yes.

27 Q. Well then, this is an erroneous reproduc-  
28 tion of that paper. I do not think the Commission wants  
29 it as an exhibit, so we can leave it out. Therefore,  
30 you apply this rule very strictly?







1 A. Yes.

2 Q. You have two columns, one referring to  
3 beam and the other one referring to corresponding  
4 approximate deadweight?

5 A. Yes.

6 Q. Do you apply these two columns jointly?

7 A. No.

8 Q. How do you proceed?

9 A. We work on the beam.

10 Q. You just follow the beam?

11 A. Yes.

12 Q. You mentioned the names of the members  
13 of the Board of Examiners in 1962?

14 A. Yes.

15 Q. Would you be in a position to mention  
16 what are the functions otherwise of the persons?

17 A. The supervision of the Port Warden's  
18 Office.

19 Q. But they are not full-time employees?

20 A. No.

21 Q. Do you know what kind of trade they are  
22 connected with?

23 A. I beg your pardon?

24 Q. What kind of trade they are connected  
25 with?

26 A. Yes. I think I can give you that.

27 Q. If you have that information available?

28 A. Yes, I can give you that. Colonel Eakin  
29 is the Chairman of McLean, Kennedy. Mr. A. T. Connor  
30 is retired Assistant General Manager of the Bank of





1 Montreal; Mr. Olive owns his own business --- Olive  
2 and Dorion, with the dairy produce; Mr. Dennis Connor  
3 is President of Kerr Steamships. There is one I have  
4 got to get. Mr. D. A. Hanson is President of --- I do  
5 not know what the company is --- but his name is in it.  
6 He is President of the Marine Underwriters Insurance,  
7 or something.

8 MR. LALONDE: Thank you.

9  
10 CROSS-EXAMINATION BY MR. LANGLOIS:

11  
12 Q. Mr. Murray, you have been appointed Port  
13 Warden for the Port of Montreal, which is a line drawn  
14 some 360 feet west of Victoria Bridge, as the western  
15 limit, and extending as far as Sorel, the eastern limit.  
16 Are you alone to carry on this work as Port Warden? Are  
17 you the only one?

18 A. No. There are two deputies.

19 Q. Two deputies?

20 A. Yes.

21 Q. Are they full-timed deputies?

22 A. Yes.

23 Q. Are they similarly appointed by the  
24 Board of Trade?

25 A. Yes.

26 Q. Now, before you issue your clearance,  
27 do you yourself or your deputies visit the ships in  
28 question?

29 A. Yes.

30 Q. Do you personally check the draughts of







1 the ships?

2 A. Yes. I don't. The deputies do.

3 Q. The deputies do? Am I to understand that  
4 you do not visit ships yourself? You do office work?

5 A. I visit ships, but most of the time I  
6 am in the office.

7 Q. Most of the time you are in the office?

8 A. Yes.

9 Q. Is it, to your knowledge, that your  
10 deputies visit the ships and check the draughts before  
11 the ships have taken on bunkers and stores on board?

12 A. In most cases, yes.

13 Q. And in some cases, no?

14 A. Well, sometimes the ships are light ships,  
15 going out half loaded, where there is no necessity to  
16 check the draught.

17 Q. Is it not a fact that sometimes your  
18 deputies visit ships when they have not completely  
19 finished loading?

20 A. We are visiting ships all the time.

21 Q. But I mean to check the draught of the  
22 ship?

23 A. Very often we visit a ship in advance to  
24 measure the freeboard and let the stevedore and the  
25 shipping people know how much further she has got to go  
26 and check on the draught when she is finished.

27 Q. Do you mean that your deputies are  
28 checking the draught when the ship is finished loading  
29 and taking on her bunkers? Do you mean to say that on  
30 each occasion your deputies do check the draught after





1 the ship has finished loading and taking on her bunkers?

2 A. In most cases. There are cases where it  
3 is not necessary to check the draught. They go down and  
4 finish at Quebec or Port Arthur or Baie Comeau.

5 Q. When is the clearance issued as a matter  
6 of fact? Is it issued just prior to the ship sailing?

7 A. No. We issue it in advance.

8 Q. How much in advance?

9 A. Usually the day the ship is sailing, so  
10 as to facilitate the dispatch of the ship. After our  
11 clearance they have to go to Customs to clear the ship.

12 Q. So, clearance could be issued and the  
13 ship would still be loading and will load for hours after  
14 the issue of the clearance?

15 A. Yes.

16 Q. In determining the clearance that a ship  
17 should have on her keel to safely proceed down to Quebec,  
18 do you and your deputies take into account the recorded  
19 water level for the day?

20 A. We get the water levels every morning  
21 at 9 o'clock from the Harbour Master.

22 Q. I noticed when you read the minutes of  
23 the 1960 meeting, that a suggestion was made that any  
24 deviations to the scale of clearances should be discussed  
25 with the captain and that the final responsibility rests  
26 with the Master. Would you tell the Commission as to  
27 whether or not there have been cases, in your experience,  
28 where the master agreed to have a ship sail from Montreal  
29 with less clearance than the clearance set in the scale?

30 A. No. That is somewhat ambiguous. We







1 can't get away from the Act of Parliament that we have  
2 read previously: "The Port Warden shall not issue his  
3 certificate of clearance to any vessel, which, in his  
4 judgment, is too deeply laden to pass with safety through  
5 the ship channel between Montreal and Quebec." This has  
6 got into the minutes which, as I have said, is somewhat  
7 ambiguous, at the meeting on the 6th of June, 1962.  
8 I took this up with the Board of Examiners. If you wish  
9 me to read this, I will read what I have got here.

10 Q. How long is it?

11 A. It is not long.

12 Q. Go ahead then.

13 A. This is a letter addressed to the

14 Shipping Federation.

15 Mr. C. T. Mearns,

16 General Manager,

17 Shipping Federation of Canada,

18 Board of Trade Building,

19 300 St. Sacrament St.,

20 Montreal.

21 Dear Sir:

22 At a meeting held in the offices of The  
23 Shipping Federation of Canada on November 1st, 1960  
24 certain limits of clearance underneath the ship were  
25 recommended and unanimously agreed to by an excellent  
26 representation of the Shipping industry.

27 Certain members have interpreted this agreement  
28 that the ultimate clearance is the final responsibility  
29 of the Master of the vessel.

30 This is entirely erroneous and this is to





1 advise you that The Port Warden is the final authority.  
2 Your attention is drawn to the Rules and By Laws of The  
3 Office of Port Warden, of The Harbour of Montreal,  
4 sanctioned by the Council of The Board of Trade under  
5 Act 45 Vic., Chap 45, Sec. 5, with amendments, from  
6 which I quote "The Port Warden shall not issue his  
7 certificate or clearance to any vessel which in his  
8 judgment is too deeply laden to pass with safety through  
9 the ship channel between Montréal and Quebec."

10 At 11 am today a meeting of The Board of  
11 Examiners for the Port Wardens Office was held with all  
12 members present. This subject was given a considerable  
13 amount of time, every consideration and careful thought.  
14 They were unanimous in confirming and giving approval to  
15 the clearance underneath ship laid down at meeting  
16 previously mentioned.

17 I therefore have been advised by them to adhere  
18 to same.

19 Would you kindly advise your members regarding  
20 same.

21 With thanks in anticipation,

22 Very truly yours,

23 (signed) H. G. Murray,

24 Port Warden.

25 Q. Was this letter acknowledged?

26 A. I have got no recollection of it.

27 Q. This letter would indicate that you had  
28 had previous difficulty with masters?

29 A. No, I never had.

30 Q. Or with agents?







1 A. No, not directly.

2 Q. Why is it then that in this letter  
3 attention was drawn to the apparent erroneous interpre-  
4 tation of the previous meeting?

5 A. Well, it is ambiguous. The minutes of  
6 that meeting brings the master into it. This is an Act  
7 of Parliament. We have got to go by this. We have got  
8 to go by this ruling here.

9 Q. Since your clearance is issued before the  
10 ship actually sails, and before she has completed taking  
11 on her cargo, how can you and your deputies say that  
12 the ship has sailed with such a clearance under the keel?

13 A. We check up when she is finished.

14 Q. For every ship when she is finished?

15 A. Well, it is not necessary to check every  
16 ship. Half the ships in Montreal are going away half  
17 light anyway.

18 Q. Let's take fully laden ships?

19 A. Fully laden ships, yes.

20 Q. Do you remember having given a clearance  
21 two years ago to the motor vessel "Timna"?

22 A. No, I have got no recollection of that.

23 Q. Would you have this in your records,  
24 a copy of the clearance?

25 A. Yes, sir.

26 MR. LANGLOIS: My lord, this was a difficult  
27 case, and with your leave the witness could bring his  
28 file in connection with the clearing of the "Timna".  
29 I could give you the precise date of her sailing from  
30 Montreal, if this would be of some help to you.





1 THE CHAIRMAN: Could you give this information  
2 right now to the witness?

3 MR. LANGLOIS: No. I would have to check with  
4 my office, my lord.

5 Q. It was two years ago?

6 A. Yes.

7 Q. Do you have any information as to the  
8 occasion when the "Timna" grounded on St. Augustine bar  
9 going down from Montreal to Quebec?

10 A. I have no knowledge of that.

11 MR. LANGLOIS: I am afraid, my lord, that it  
12 might be necessary for me to check with my office and  
13 consult the file.

14 THE CHAIRMAN: Could you give this information  
15 this afternoon to the witness?

16 MR. LANGLOIS: I will probably have to wait  
17 until tomorrow morning.

18  
19 --- Luncheon adjournment: at 1.00 p.m. the hearing  
20 was adjourned until 2.30 p.m.  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30







Montreal, Quebec,  
July 3, 1963

---On resuming at 2.30 p.m.

MR. JACQUES: I should like to extend an invitation to all those who are interested to visit tomorrow night at eight p.m. the miniature of the ship channel of Montreal Harbour at the installation of the Department at Ville LaSalle.

THE CHAIRMAN: Is it Montreal Harbour or the Seaway?

MR. JACQUES: It is not the Seaway, sir.  
It is the channel.

CROSS-EXAMINATION BY MR. LANGLOIS (cont'd):

Q. Mr. Murray, I do not think during the lunch recess you have been able to find the record of the clearance issued to the "Timna". I expect to be able, my lord, to get the precise data some time this evening and with your lordship's permission probably this witness or the Deputy who issued the clearance could be recalled either tomorrow or the following day to file a copy of such clearance for the "Timna".

THE CHAIRMAN: That will be all right.

THE WITNESS: I have the details here, but I have not got a copy of the clearance.

Q. Would you give the details you have?

A. The "Timna" is a ship of 22,934 tons, beam 74 feet 2 inches, length over all 550 feet 2 inches. She sailed from Montreal on the 18th of August, 1961, via Three Rivers to finish loading. Her draught





1 leaving Montreal was forward 31 feet 8 inches and aft  
2 31 feet 6 inches. The mean draught was 31 feet 7  
3 inches. The depth of the water in the channel was  
4 37 feet 2 inches. Therefore, leaving Montreal she  
5 had a clearance under her bottom of 5 feet 6 inches.  
6 Her summer draught fully loaded was 35 feet 6 inches  
7 in fresh water, but she finished at Three Rivers, so  
8 when she left Montreal she could have gone down 35 feet  
9 6 inches. She was 31 feet 7 inches, so she was 3 feet  
10 11 inches light of her loaded draught leaving Montreal;  
11 with a clearance under her bottom of 5 feet 6 inches.

12 Q. Who cleared her from Montreal?

13 A. Captain John McCormick. deputy Port  
14 Warden.

15 Q. And the date she was cleared?

16 A. The 18th of August, 1961.

17 Q. Do you have any record of the time at  
18 which she was cleared on that date the clearance was  
19 issued?

20 A. The time is not here, but approximately  
21 six o'clock in the morning.

22 Q. Six p.m.?

23 A. Six a.m. I understand she grounded  
24 after she left Three Rivers.

25 Q. Would the clearance certificate indicate  
26 the time at which she was cleared?

27 A. Not only the clearance, but in our  
28 records it would. The date would be on the clearance;  
29 not the time. The time is recorded in our books.

30 Q. You don't have this information now?







1 A. I don't have it here.

2 Q. What was the mean draught again?

3 A. The mean draught leaving Montreal was  
4 31 feet 7 inches.

5 Q. Now, do you have occasion to issue  
6 clearances to westbound ships going west from Montreal?

7 A. Going up the seaway?

8 Q. Yes.

9 A. No.

10 Q. Would your present staff, or yourself,  
11 and you said three assistants?

12 A. Two.

13 Q. Do you think this staff is adequate to  
14 cover the whole harbour of Montreal?

15 A. Well, it is sufficient, yes.

16 MR. LANGLOIS: Very good. Thank you.

17  
18 CROSS-EXAMINATION BY MR. BRISSET:

19 Q. Captain Murray, you have explained  
20 to us that at times your clearance certificate is issued  
21 before completion of loading. That is correct?

22 A. Yes.

23 Q. Are you satisfied though that all ships  
24 when they leave here, the harbour, do comply with your  
25 directives as to draught?

26 A. Yes.

27 Q. Captain Murray, we were told this morning  
28 by Mr. Land that the advertised depth of water in the  
29 harbour today was 34 feet 5 inches. I take it that you  
30 rely on this advertised depth to determine the hull





1 immersion that you will permit to a ship to give her  
2 clearance?

3 A. We get the depth of water every morning  
4 at nine o'clock from the Harbour Master's Office.

5 Q. And that is the depth of water which  
6 has been called by Mr. Land the advertised depth?

7 A. Yes.

8 Q. But to make it more specific, looking  
9 at Exhibit 491, I see that a ship with a beam of 65 to  
10 75 feet must have a clearance of 3 feet 0 inches?

11 A. Yes.

12 Q. That means that today this vessel if  
13 she were to get a clearance certificate would only be  
14 allowed a draught of 31 feet 5 inches?

15 A. Correct.

16 Q. You mentioned to us that one of the  
17 factors which entered into consideration in fixing the  
18 clearance of the ship in accordance with Exhibit 491  
19 was the possibility that the ship might, or rather  
20 the possibility that there might be a boulder in the  
21 dredged channel?

22 A. I didn't say that. Not me.

23 Q. No?

24 A. No, I think Mr. Land did.

25 Q. Does that enter into consideration in  
26 your determination of the clearance allowed?

27 A. Well, there is that possibility, but  
28 the way that I look at it, my opinion is that a ship  
29 that size needs 3 feet for manouvreability and if she  
30 is smelling the bottom she won't steer. She needs







1 that under her bottom for handling, for manouvreing.

2 Secondly, going down the river, if you put  
3 the helm hard over quick going around one of the bends,  
4 and the ship lists, at 4 degrees it increases his draught  
5 by 5 feet 6 inches.

6 Q. Is that why the beam of the ship is the  
7 main factor which you consider in determining clearance?

8 A. Yes.

9 Q. The tonnage is not a factor which really  
10 plays a part in this?

11 A. Not in my opinion. Another factor is  
12 that if in a 600-foot channel you have got a ship going  
13 down deeply loaded, say a big ship, and another ship  
14 coming up below, and they dip into a shallow around  
15 Lake St. Peter, what happens I don't know with the dis-  
16 placement of water how much water these ships have under-  
17 neath them when they are passing I don't know. I don't  
18 think anybody has ever figured it out. It is the same  
19 as the drag. Some ships go by the head and some by  
20 the stern, but there has never been an experiment  
21 carried out as to what actually happens, so some will  
22 go by the head and some will go by the stern.

23 Q. I am advised, Captain Murray, that  
24 certain ships now are fitted with a mechanism that  
25 will show immersion of the hull at various speeds.  
26 Are you aware of this equipment?

27 A. No, I have never seen it.

28 Q. You have never had occasion to discuss  
29 with any master whether his vessel was fitted with such  
30 equipment?





1 A. No, sir.

2 Q. Are you at all aware of the existence  
3 of this equipment?

4 A. I am unaware of it. I have never  
5 heard of it.

6 Q. I am advised that it does in fact show  
7 what the effect of the squat will be at various speeds.  
8 You have not been made aware of the existence of this  
9 type of equipment?

10 A. No, I would like to know about it, and  
11 get some more information of it. I am quite ignorant  
12 about it.

13 Just for your information, I had a  
14 captain in yesterday, I think it was of the "Topek  
15 Star" down from the lakes. He was coming to anchor  
16 at one of the locks, and one ship had anchor signalled  
17 and said -- I forget the figures, this is an approxi-  
18 mation -- "Your ship is 1 foot 8 inches by the head",  
19 and he was only going slow speed. He said, "It  
20 can't be". I never heard of such a thing, neither  
21 did he. So when the ship was anchored and the water  
22 was quiet he checked up the draught, and he figured  
23 allowing for the small waves there would be at the bow,  
24 that at least the ship had been a foot by the head,  
25 going slow. I never heard of such a thing before.  
26 Neither had he, but he assured me that he checked it  
27 up thoroughly. I have never heard of an experiment  
28 carried out in a merchant ship. There have been in a  
29 destroyer. No two ships are alike. Some go by the  
30 head, some go by the stern. Some go 2 inches, some









1 go 6 inches.

2 Q. I understood, Captain Murray, from  
3 your evidence this morning that this regulation for  
4 clearance is as set out in Exhibit 491, giving the  
5 various clearances for ships of various beams, is a  
6 regulation that now is strictly applied. It is a  
7 fast and hard rule. Am I correct?

8 A. You mentioned speeds. I think you  
9 mentioned speeds just now.

10 Q. No. Beam?

11 A. Yes, that is a hard and fast rule.

12 Q. It is a hard and fast rule?

13 A. Yes.

14 Q. You were here, I take it, this morning  
15 when Mr. Land gave his evidence on the improvements  
16 in the river channel that have been taking place for  
17 the last two or three years. Were you here this  
18 morning?

19 A. I didn't hear that, no.

20 Q. He also told us that he had not been  
21 consulted in connection with the fixing of the clearances  
22 for ships leaving the harbour of Montreal.

23 In the light of this, Captain Murray,  
24 in assuming there have been improvements in the river  
25 channel, would you think there would be advantage in  
26 having another meeting, calling a meeting of shipowners,  
27 pilots, and your office, your deputies and yourself,  
28 as well as the Engineer of the St. Lawrence Ship  
29 Channel Branch, to review the rules and find out if  
30 there is a possibility of changing them?





1           A.       Well, I have got an open mind on that.  
2 I would welcome anything. It is not for me to say,  
3 or call a meeting, but I would welcome it.

4           Q.       You certainly would not oppose it?

5           A.       I would certainly not oppose it. This  
6 meeting we had here was quite a democratic meeting. You  
7 can see that from the Minutes I read this morning.  
8 Every one of them. But don't forget -- I can't under-  
9 stand people saying they never heard of this clearance  
10 under the ship's bottom. I have been on these wharves  
11 since 1927, and before I went into the Port Warden's  
12 Office in 1938 I was Superintendent. We had deep  
13 draught ships, and we obeyed it religiously. These  
14 big ships have been reduced 6 inches less now. My  
15 own personal opinion is we have gone as far as we can  
16 go for safety.

17          Q.       I want you to understand quite clearly,  
18 Captain Murray, that I am not criticizing at all the  
19 rules that are now in effect. I am just suggesting that  
20 they are rules that should perhaps be reviewed at various  
21 intervals, and it might be good in reviewing them  
22 occasionally, periodically. Would you agree with  
23 that?

24          A.       Yes, it is quite a good idea.

25               MR. LANGLOIS: My lord, at the suggestion  
26 of the counsel for the Commission I would like to say a  
27 word of explanation in connection with my request for  
28 evidence in the clearance of the "Timna" from Montreal  
29 on August 18th, 1961. The "Timna" left Montreal . . .

30               THE CHAIRMAN: I think I have a few









1 questions, if you are going to come to that. So would  
2 you mind if I ask a question first?

3 MR. LANGLOIS: Very good, my lord.

4 THE CHAIRMAN: Do you know Mr. Murray,  
5 whether there is any similar regulation for the Port of  
6 Quebec for a ship going west?

7 THE WITNESS: As far as I know, I  
8 don't think so, as far as I know.

9 THE CHAIRMAN: And do you know whether  
10 there is any such regulation in other ports between  
11 Montreal and Quebec, like Three Rivers, Sorel?

12 THE WITNESS: I don't think so.

13 THE CHAIRMAN: You don't think so?

14 THE WITNESS: I am not familiar with  
15 local conditions there, but I don't think so.

16 THE CHAIRMAN: Do you know of any ships  
17 coming into your harbour from downstream with a draught  
18 that you would not allow normally if they were departing  
19 downstream?

20 THE WITNESS: Well, I don't know, be-  
21 cause we have got no jurisdiction over the ships coming  
22 upriver westbound. We have no jurisdiction, sir, I  
23 don't know what they are doing.

24 MR. LANGLOIS: Briefly, the facts of  
25 the "Timna" are as follows. The "Timna" left Montreal,  
26 and the pilot who took her down to Three Rivers com-  
27 plained that the ship was too deeply laden for the  
28 channel. The Master agreed that the pilot was quite  
29 nervous, nervous to the extent that he refused to take  
30 her alongside at Three Rivers, and she went to the





1 anchorage. Another pilot was ordered on board to take  
2 her alongside, and once alongside she took additional  
3 cargo. When the third pilot, who was to take her down  
4 to Quebec, boarded the vessel, he complained to the  
5 captain that the vessel was too deeply laden, and also  
6 in the presence of the ship's agent, in the captain's  
7 cabin. The captain said that once the ship was out-  
8 side she would be trimmed to have a reasonable draught  
9 for the passage to Quebec.

10 Immediately they got outside he reported  
11 that the ship was trimmed, and when he was asked what he  
12 had done he said that he had shifted 100 tons of bunker  
13 from No. 4 to No. 6. It didn't affect the draught of  
14 the ship at all, and she grounded on St. Augustine's  
15 bar. The pilot checked the draught with the chief  
16 officer and it was 38 feet.

17 The ship left Quebec with that draught  
18 of 38 feet, which didn't seem to disturb the captain.  
19 Below Point Brule the pilot decided to turn about. The  
20 ship was brought back to Quebec, and it was found that  
21 she had water in her holds. As a result of that an  
22 inquiry was held and the Department of Transport could  
23 supply a transcript of the evidence adduced at that  
24 inquiry to the Commission. The pilot was suspended  
25 for one month.

26 THE CHAIRMAN: Which pilot?

27 MR. LANGLOIS: The pilot from Three  
28 Rivers to Quebec.

29 These are only the facts of the case,  
30 and this is the reason why I am asking for this









1 information, and I hope that when we have the Port  
2 Warden of Three Rivers as a witness we will be able  
3 to obtain from him information as to the clearance of  
4 that ship from Three Rivers. We will also bring  
5 witnesses to the effect that this ship, when she left,  
6 had a greater draught than was mentioned in the clear-  
7 ance certificate.

8 THE CHAIRMAN: It could also be given  
9 from the records in Quebec.

10 MR. LANGLOIS: Yes, my lord. The fact  
11 of the suspension to the pilot has not been carried out  
12 yet. The reason for that is that I have appealed from  
13 the decision.

14 THE CHAIRMAN: Well, in any event of  
15 course all that you have said was just for information,  
16 but it is not established, so we will not be able to  
17 take that into consideration. I just remind you of  
18 that because all that the lawyers may say here, they  
19 are not the witnesses, so all the facts we are going  
20 to take cognizance of are those which are really estab-  
21 lished.

22 MR. LANGLOIS: Yes, my lord. I made  
23 the statement at the suggestion of Commission counsel,  
24 in order to make liaison between my line of questioning ---

25 THE CHAIRMAN: We appreciate that very  
26 much.

27  
28 RE-CROSS-EXAMINATION BY MR. LALONDE:

29 Q. Mr. Murray, what happens when a ship  
30 comes up the river, and goes directly into the seaway.





1 Do you have any jurisdiction over that ship?

2 A. None.

3 Q. Do you have any jurisdiction over a  
4 ship that comes out of the seaway and goes down the  
5 river without actually stopping in the harbour?

6 A. No, if he is going right through, no.

7 Q. So your rules apply only to ships  
8 which actually stop at some wharves in Montreal harbour  
9 itself?

10 A. That is correct.

11 Q. And by Montreal harbour do we include  
12 the whole new jurisdiction of the harbour that is almost  
13 as far as Sorel?

14 A. No.

15 THE CHAIRMAN: Excuse me. When you  
16 speak of stopping, do you mean at anchorage also, or  
17 just at the wharves or piers?

18 MR. LALONDE: Maybe Mr. Murray could  
19 explain this point.

20 Q. Does a ship have to actually take  
21 cargo in Montreal in order to come under your jurisdic-  
22 tion?

23 A. Cargo or bunkers. If she is not doing  
24 anything in Montreal, even if she anchors and is going  
25 right through, we don't visit her.

26 Q. Would you explain to the Commission how  
27 far your examinations apply in the harbour? What are  
28 the limits?

29 A. We go as far as the Longue Pointe  
30 anchorage. That is all.









1 Q. So in a way you follow the old limits  
2 of the Montreal harbour?

3 A. Yes.

4 Q. This in fact means that you could have  
5 ships plying the St. Lawrence River on the way down with  
6 a higher draught than the one specified in the Port  
7 Warden's regulations. Is that the case? Is that  
8 possible?

9 A. I suppose it is possible, but --- I  
10 suppose it is possible.

11 Q. You have no check whatever made on  
12 ships coming out of the seaway?

13 A. No.

14 Q. On the other hand, it is true that the  
15 channel further up from Montreal is lower. It is not  
16 deeper than 35 feet, so it would be rather unlikely, I  
17 suppose, but you could have ships loading at Pointe  
18 au Coeur, for instance, which would load, and which is  
19 not within the limits of Montreal harbour as at present,  
20 and which could load over the regulations provided under  
21 your authority?

22 A. Well, I don't know about Pointe au  
23 Coeur. Probably the Port Warden at Sorel may be de-  
24 tailed to look after that. I don't know. But our  
25 jurisdiction does not go that far.

26

27

28

29

30





1 Q. You mean to say that the Port Warden  
2 at Sorel would have authority inside the limits of the  
3 harbour of Montreal?

4 A. I don't know. This is something new  
5 that has come up and our regulations will remain the  
6 same. We go as far as Longue Point anchorage.

7 Q. When you check a vessel for clearance  
8 do you make a special check on whether this vessel has  
9 taken its fresh water supply or not?

10 A. Yes.

11 Q. In every instance you make a check of  
12 this?

13 A. Yes.

14 Q. And if you find that the ship has not  
15 obtained its fresh water supply, do you allow for this?

16 A. We allow for that, if he is bunkering  
17 or taking on fresh water or cargo, because we take the  
18 amount of the inches off. But, generally speaking, the  
19 ships take their water under the bunkers before the cargo  
20 goes on board, and I always ask them that.

21 Q. We have heard in evidence from Mr. Land  
22 -- maybe from Mr. Land or from another gentleman who was  
23 concerned with dredging along the wharves in Montreal,  
24 and we have heard in evidence that along some wharves  
25 they allowed 5 or 6 feet, if I remember well, which was  
26 not deepened to the 35-foot limit. Are you aware of  
27 that fact?

28 A. I am no authority on that. If there  
29 is a berth that doesn't have the water for the ship they  
30 usually get a deeper berth. That would be done.







1 Q. Anyway, I think I can state that this  
2 was in evidence before the Commission during the last  
3 few days. Have you ever been made aware of cases  
4 where a ship would be loaded and that there would be  
5 difficulty in getting the ship off the wharves without  
6 leaving because of the fact that the ship was loaded  
7 and was touching the bottom on that particular side  
8 which was not dredged to 35 feet?

9 A. Well, I think it has probably happened  
10 once or twice, but I can't recall any specific instance.

11 Q. And in this way did you have any report  
12 of such an occurrence? For instance, on May 19th of  
13 this year, with the steamship "World Cheer" and also on  
14 the 2nd of June, with the ship "World Campaigner"?

15 A. I got no report of that at all. That  
16 probably would come under the jurisdiction of the  
17 Harbour Master.

18 Q. But a case like this you would have  
19 granted a clearance by setting the draught of the vessel  
20 and although the ship was actually touching the bottom,  
21 at least on one side?

22 A. That may have been, but it is more  
23 than usual because they know they are shallow berths and  
24 they take them out of there and put them into a deep  
25 water berth.

26 Q. I think you mentioned this morning that  
27 you had not received any complaints from pilots about  
28 maximum draught. Have you ever received from the  
29 Department of Transport or from the Pilotage Authority  
30 any representations which would come from representations





1 from pilots?

2 A. No.

3 Q. Never?

4 MR. JACQUES: To clarify the file, my  
5 lord, my learned friend referred the Commission to page  
6 48 of Canadian Shipping and Marine Engineering as  
7 regards the clearance, of May 1960, and he read the  
8 following statement:

9 "Any reduction in the above  
10 clearance at the discretion of the  
11 Master of the vessel and the Port  
12 Warden."

13 A letter explaining this statement was read by the wit-  
14 ness and he was asked whether this particular statement  
15 was reproduced in the Minutes which he had read. It  
16 was not. However, we can read this in the Minutes of  
17 November 1st, 1960, and I quote:

18 "Provided, of course, that it be  
19 understood that the pilot warden would  
20 be free to discuss any deviations from  
21 this with the Master of the ship and  
22 that the ultimate responsibility would  
23 still rest with the Master of the  
24 vessel."

25 So what is contained in the magazine Canadian Shipping  
26 is also contained, in essence, in the Minutes of the  
27 port warden.

28 RE-DIRECT EXAMINATION BY MR. JACQUES:

29 Q. Now, sir, I have one more question:

30 According to the engineers of National Harbours Board







1 the available depths in Montreal vary. In the channel  
2 the available depth is 35 feet and at Victoria pier the  
3 available depth is 29 feet, and at Market Basin it is  
4 25 feet. This clearance, this under the keel clear-  
5 ance, where is it measured -- when the ship is in the  
6 35-foot channel or when she is alongside?

7 A. Alongside in the water.

8 Q. Alongside?

9 A. Yes.

10 Q. To the best of your knowledge are there  
11 any ships which would ground whilst loading?

12 A. It is possible, but as I said before  
13 the ships, the deep-draught ships are going to be  
14 over the draught, say, up in Bicquette Basin. They  
15 are moved away to the deep water berth before they  
16 touch the bottom. But it could happen.

17 Q. It could happen?

18 A. It could happen, but most of the time  
19 before they reach that draught the ships are taken away  
20 and put into another berth and that comes under the  
21 Harbour Master.

22 Q. I realize it could happen, but do you  
23 know of any instances? Do you personally know of any  
24 instance where a ship would have grounded whilst loading?  
25 Do you know of any case?

26 A. I can't cite a case. I remember once  
27 up at Elevator Bay in Bicquette -- it runs down off -- not  
28 Laurier pier -- what they call "45", it happened.

29 Q. That a ship grounded whilst loading?

30 A. Probably on the edge. She wasn't





1 grounded fore and aft, on the inshore side. She was  
2 probably touching but she wasn't, to the best of my  
3 knowledge, sitting on the bottom right fore and aft  
4 all the way.

5 Q. Did you personally check her draught  
6 at that time?

7 A. No, I do not think so. These are two  
8 isolated cases.

9 MR. JACQUES: Thank you, sir.

10 MR. LANGLOIS: I have no further  
11 questions, but I would like to ask the witness if he  
12 would be good enough to make the necessary arrangements  
13 to have Mr. John McCormick come here tomorrow with a  
14 copy of the clearance in the case of the "Timna" and  
15 with the information taken from your records as to the  
16 time that the ship was cleared. Would you be good  
17 enough to make those arrangements?

18 THE WITNESS: Yes. What time?

19 MR. LANGLOIS: Tomorrow morning.

20 THE WITNESS: At ten o'clock?

21 MR. LANGLOIS: At ten o'clock. Thank  
22 you, sir.

23 THE CHAIRMAN: The point that was  
24 raised in this testimony here, with regard to under the  
25 keel clearance would certainly have a further considera-  
26 tion while we have some evidence for the Port of Quebec  
27 and Three Rivers and Sorel. But I wish to make a  
28 remark here, just so that we may consider it. Of course,  
29 ships coming down the seaway, the maximum draught there  
30 is 27 feet . . .









1 THE WITNESS: It is 25 feet 6 inches.

2 THE CHAIRMAN: So there will always  
3 be the necessary clearance going downstream. But, of  
4 course, this going upstream I do not think would be  
5 admitted with 35-foot draught of the seaway -- they would  
6 not be admitted, they wouldn't pass. That scale for  
7 under the keel clearance made by the Port Authority  
8 here, seems to me that they are not for the harbour  
9 itself safe only but really they are in the interests  
10 of the St. Lawrence ship channel. Of course, incidentally  
11 it is safe because the traffic is stopped downstream, they  
12 will stop the traffic up in the harbour. But it is not  
13 within the jurisdiction of the harbour itself.

14 So, at first glance it seems awkward that the  
15 harbour could have any jurisdiction over the traffic  
16 outside its boundaries and should this rule, which seems  
17 to be quite wise and is good -- why should that not  
18 apply to all traffic coming downbound? There might  
19 be some further comment on that to say that is necessary.  
20 But from what we have seen so far, this rule or this  
21 scale was made only in Montreal by consent of the people  
22 in Montreal. In any event, this comes to my mind and  
23 there seems to be something queer -- a lack of coordina-  
24 tion there. In any event, we will see that further.  
25 I just made my remark so that you may give it further  
26 thought.

27 MR. JACQUES: Thank you, sir.

28

29

30





1 R. J. BURNSIDE, recalled

2  
3 DIRECT EXAMINATION BY MR. JACQUES (Cont'd)

4 MR. JACQUES: I should like to file, as  
5 Exhibit 492, the Ship Station Radio Regulations, Parts  
6 I, II and III, with Amendments.

7  
8 ---EXHIBIT NO. 492: Ship Station Radio Regulations,  
9 Parts I, II and III, with  
Amendments.

10 Q. Mr. Burnside, we told you that you  
11 would be the first one on this morning. We were quite  
12 sorry but the few questions which were left to ask Mr.  
13 Land took most of the morning, but apparently all that  
14 had been arranged with you before?

15 A. Yes, sir, that is all right, sir.

16 Q. I do not know who left off before the  
17 weekend, but you will recall, sir, that I showed you a  
18 document entitled "St. Lawrence Seaway Authority, Eastern  
19 Region, South Shore Canal, St. Lambert Lock: Statement  
20 showing the vessel delays on account of lack of pilots."  
21 Have you, during the weekend, studied the information  
22 which is given in that document?

23 A. Yes.

24 MR. JACQUES: May I now file this document  
25 as Exhibit 493, entitled "Statement Showing the Vessel  
26 Delays on account of lack of pilots for St. Lambert Lock,  
27 from April 23rd, 1962 until October 15th, 1962."

28 ---EXHIBIT NO. 493: Statement showing the Vessel  
29 Delays on account of lack of  
30 pilots for St. Lambert Lock,  
from April 23, 1962 to  
October 15, 1962.









1 Q. Did you further investigate these  
2 delays, sir?

3 A. I did, to the extent that the delays  
4 are as compiled by the Eastern Division and my memory is  
5 that this is a statement that was discussed with Steamship  
6 Inspection and with Captain Slocumbe of Pilotage, during  
7 a visit to Ottawa, of which we apparently did not have  
8 a copy. I believe it was handed in at one of these  
9 meetings. We had several of them and to the best of my  
10 knowledge that is the origin of this statement.

11 I know that we put in a similar one  
12 but I can't swear positively that this is the one; but  
13 it is certainly indicative of the conditions and I have  
14 no reason to think that it is not authentic.

15 Q. Now, sir, have you any other statement  
16 which would show delays allegedly caused by the lack of  
17 pilots or by the fault of pilots -- fault in a very  
18 broad sense?

19 A. I have a recent occurrence that was  
20 brought to my attention. It is delay at St. Lambert  
21 Lock under date of the 17th of June, 1963 -- this year --  
22 which involved five ships. The delay to the five was  
23 listed as 32 minutes each.

24 Q. Would you spell the names for the benefit  
25 of the stenographer?

26 A. The "Sarstein", the "Farrandoc", the  
27 Fern Fiord", the "Coniscliffe Hall" and the "Helga  
28 Huldendorff". The notation is: "Wrong pilot ordered  
29 for vessel "Sarstein". Vessel held in the lock until  
30 the pilot arrived,"





1 Q. On which date did these delays occur?

2 A. On the 17th of June, 1963.

3 Q. All of them?

4 A. They were all due to the one occurrence.

5 The first ship was in the lock; the "Farrandoc" was also  
6 in the lock. The third ship was at the lower approach  
7 wall, as was the fourth and fifth. Apparently there  
8 were no vessels at the moment at the upper approach  
9 wall, so they were all affected by the fact that the  
10 wrong pilot apparently presented himself for the vessel.  
11 We have no knowledge as to the reason for the wrong  
12 pilot coming forward, whether it was a case of the  
13 captain ordering the wrong pilot -- now, this would be  
14 a pilot either for downriver for the Montreal harbour --  
15 or whether there was some misunderstanding in the  
16 transmission of the statement or probably that the  
17 ship en route had its orders changed and appeared at  
18 the lock bound at that moment for a different site than  
19 they had intended to proceed to when the pilot was first  
20 ordered.

21 Q. And could this ship have been taken out  
22 of the lock in order to allow the others to proceed and  
23 wait for a pilot outside the lock?

24 A. That we would like very much to accom-  
25 plish, with this change, that we would like to have it  
26 possible for the pilot on duty on the ship to stay at  
27 his post and take the ship clear of the Seaway or to  
28 the next place of anchorage or tie up where he would be  
29 clear of the other bound traffic. In this case, there  
30 were already three ships at the lower approach wall and









1 it would be difficult to manouvre the one out to make  
2 his tie and if it were possible to do so, he would  
3 create a certain obstruction to other traffic moving  
4 during the period that he waited and it would be much  
5 more satisfactory if the pilot on duty could take it,  
6 say, to Longue Pointe anchorage and anchor the ship and  
7 wait to change pilots there.

8 Q. Have you ever approached a pilot in  
9 that respect?

10 A. No, I have not. It has been discussed  
11 with the Steamship Inspection people to a certain extent,  
12 but . . .

13 Q. Excuse me. You mentioned the Steamship  
14 Inspection people. You mean the Pilotage Authority?

15 A. The discussions that we had originated  
16 with the Steamship Inspection people at which Captain  
17 Slocumbe of Pilotage was in attendance and I am satisfied  
18 the reason that it originated with the Steamship Inspec-  
19 tion, as represented by Mr. Cumyn was that there were  
20 several items of special interest to the Steamship  
21 Inspection and that the two different items were discussed  
22 at the same meeting. I do recall that on more than one  
23 occasion we left the original meeting and proceeded to  
24 discuss the matter with Captain Slocumbe in his office  
25 and that may account -- it no doubt does -- for the fact  
26 that the two entities were represented at the same table  
27 and it was to a certain extent a round table discussion  
28 in which the factors as they affect those represented  
29 were discussed.

30 Q. But in fact the Pilotage Authority, a





1 representative of the Pilotage Authority was present  
2 at those discussions?

3 A. Yes. When we were discussing the  
4 pilotage they were very careful to have a representative  
5 of the Pilotage attend.

6 Q. Have you ever thought of taking up this  
7 matter with the Federation of Pilots?

8 A. Well, I have thought of it, yes.

9 Q. And did you in fact do anything towards  
10 that?

11 A. No. We, to the best of my knowledge,  
12 have not discussed that particular item. The matter of  
13 pilotage, generally, has been -- perhaps I may use the  
14 term -- somewhat in a state of flux and we were hopeful  
15 that some other arrangement might be made, including  
16 some provision to the effect that the barriers of the  
17 pilotage, different jurisdictions, might become  
18 somewhat more elastic to permit of meeting emergencies  
19 in a better manner, as we saw fit.

20 Q. For the safe and efficient operation  
21 of the Seaway and the St. Lambert end in Montreal, where  
22 would you recommend that the changeover of pilots take  
23 place?

24 A. From our standpoint, it would be prefer-  
25 able for the change to take place either en route, below  
26 St. Lamber Lock, after the vessel was cleared, proceeding  
27 either to Longue Point anchorage or the harbour, or down  
28 river, rather than at the lock structure itself. To us,  
29 it would be preferable to have it done by small boats,  
30 which would avoid delay -- with the proviso that the







1 duty captain might stay on board until relieved -- duty  
2 pilot, I am sorry.

3 Q. If I understand you rightly, you would  
4 prefer to see the changeover of pilots before vessels  
5 engage into the channel leading to St. Lambert Locks;  
6 is that it? I show you Exhibit 451, which is a chart  
7 of Montreal Harbour.

8 A. We were talking of downbound ships and  
9 the downbound change.

10 Q. Would you indicate . . .

11 A. As we see it . . .

12 Q. Would you indicate this place with a  
13 red circle on Exhibit 451, please?

14 A. The downbound taking place just at the  
15 junction of the Seaway and the harbour limits or proceed-  
16 ing to the nearest anchorage, which might be considered  
17 the Longue Point anchorage where, if the pilot were not  
18 there, the ship could be taken to safe anchorage.  
19 That is the downstream direction.

20 Q. Yes?

21 A. Upstream from our standpoint, the  
22 Seaway standpoint, it would be preferable for the  
23 pilot who was going to take a ship through the system  
24 to board the ship in Montreal harbour and proceed into  
25 the Seaway with it, irrespective of whether it was  
26 considered necessary to have a harbour pilot aboard  
27 to con the ship through the confines of the harbour,  
28 for the reason that the pilot whose responsibility it  
29 will be to handle the ship not into the first lock  
30 but to the succeeding locks would have an opportunity





1 to use his best judgment as to whether he should pro-  
2 ceed at that time under the conditions of weather as  
3 it pertains, having in mind the particular ship and  
4 as she is loaded, or whether he would be wiser to stay  
5 where he was until the inclement weather abated.

6 Q. Where would you suggest that the change-  
7 over or the taking over of a ship by the Seaway pilot  
8 take place in Montreal harbour?

9 A. For a ship that is waiting . . .

10 Q. I mean to say a ship proceeding through  
11 Montreal harbour and not docking or leaving Montreal  
12 harbour for a Seaway ship proceeding from Quebec to  
13 the locks?

14  
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1           A.           At or just beyond the Longue Point  
2 anchorage, so that if the ship were considered to be  
3 in motion towards the Seaway that it would have the  
4 Longue Point anchorage to cross, where the pilot's  
5 judgment was that he should not come in the ships could  
6 be put to anchor and await his better judgment.

7           Q.           Now, sir, in your evidence in chief,  
8 or rather cross-examination, surging at locks was men-  
9 tioned.

10                       Would you briefly explain to the  
11 Commission what is understood by surging?

12           A.           As the lock chamber is filled the water  
13 ~~in motion from~~ the upper reach through the valves to  
14 fill the lock creates a motion which is difficult to  
15 stop. We have altered the methods of filling in order  
16 to dampen the surge effect, so that when the valves are  
17 closed the water that is already in motion, that has not  
18 yet reached the lock, will tend to slow down more easily  
19 rather than come to an abrupt stop, in which case it  
20 proceeds on its original course, and rises higher than  
21 it otherwise would, and causes this to constitute a  
22 surge, which not only causes the ship to move, but is  
23 also troublesome with ~~our own~~ gates and causes them to  
24 swing some times quite violently.

25           Q.           Have you ever received any complaints  
26 from masters or pilots concerning surging at the locks,  
27 or in the locks, I should say?

28           A.           We have had the matter brought to our  
29 attention by ships' captains. To the best of my memory  
30 it would be verbal. Most of it arises from the





1 observations of our own lock personnel, who observe  
2 the ship surging fairly violently against her lines,  
3 which constitutes some hazard to the ship and to our  
4 own installations, and this gave rise to the series of  
5 studies that have been conducted for the last two or  
6 three years, with the object of dampening these surges,  
7 and they have been quite successful.

8 They are still continuing. The prin-  
9 ciple generally is that the closing of the valves is  
10 proceeded with before the lock is filled, so that the  
11 energy of the water may be retarded, and it stops be-  
12 fore a major surge occurs.

13 Q. Has there been any accident caused by  
14 surging in the locks?

15 A. It is difficult to say, because the  
16 second factor there is the holding of the ship's lines  
17 and if the lines are allowed to become slack, a very  
18 slight motion of the ship in the filling operation,  
19 distinct entirely from the surging, may cause the ship  
20 to move longitudinally, or even athwart the lock, causing  
21 the ship to come against the lock wall or even against  
22 a second ship.

23 I do not recall a case where a surge  
24 was obviously the main cause. Contributory I think,  
25 yes, but we have, however, had many times when our own  
26 gates were thrown very violently, either opened or shut,  
27 and when the gate is affected then the surge is pre-  
28 vented largely from striking the ship, and the ship  
29 itself does not actually move, whereas the gates' moving  
30 mechanism may be broken by the fact that the gate is







1 swung too sharply.

2 I do not recall a case where there was  
3 an accident that was plainly caused by surging. There  
4 may have been some years ago in the Welland, where there  
5 was suspicion of surging on the entrance to the lock,  
6 which is perhaps a different thing, but even that couldn't  
7 clearly be established. This would be a surge travel-  
8 ling from one lock to another, and returning, and if it  
9 returns at the precise moment when the ship was entering  
10 the lock it might tend to throw her off course, but the  
11 best of our investigations weren't clear. There were  
12 too many other factors involved. Wind, or a change of  
13 engines, or the fact that the ship was suddenly retarded,  
14 her motion was suddenly retarded, and she tended to yaw.  
15 We just couldn't tie it down.

16 Q. Would it be fair to say then that  
17 surging in the locks is a factor which may not cause  
18 accidents, but would contribute to an accident?

19 A. It might well do so, though I should say  
20 that the surging has been materially reduced since we  
21 opened, and the methods of operating the valves, and the  
22 speeds of opening and closing -- the methods of opening  
23 and closing have been altered in order to attempt to cut  
24 down the surging.

25 We also in one case at least we have  
26 opened up passages, so that the movement of the water  
27 may escape from the vicinity of the locks, rather than  
28 rebound on the inner side of the locks, and get out into  
29 the channel where it would be dissipated along the shore,  
30 and its effect would be lessened. In fact it would





1 hardly be seen.

2 Q. Would you consider surging now a major  
3 hazard going through the Seaway?

4 A. No, I think there is a little more  
5 that we can do. We certainly hope to improve it. It  
6 is not by any means perfect in our minds, but they have  
7 been reduced so that I think from all our studies that  
8 things were attributed to surges occurred at the time  
9 when the surge would not be there, and there are other  
10 things involved, particularly in the motion of the ship  
11 itself.

12 Q. Now, sir, you said some times there are  
13 two ships together in the lock. Is that correct?

14 A. Yes.

15 Q. Do you know of any accident happening to  
16 either of the ships when two of them are in the lock?

17 A. It occasionally happens that the fol-  
18 lowing ship may overtravel, and come in contact with the  
19 first ship in the locks, but it is quite rare. Also,  
20 it may happen that one or the other may allow the lines  
21 to slack, and the ship take a motion that can't be  
22 readily stopped, because the lines will break if they  
23 do not bear at the same time.

24 Q. Now, as regards the bridges which cross  
25 the Seaway, are you able to tell the Commission the  
26 nature of the road which they span? Are they main  
27 thoroughfares, commercial highways, or?

28 A. They vary quite widely from Victoria  
29 Bridge which carries a very heavy traffic from Montreal,  
30 from and to it, both the automobile and truck traffic,







1 as well as heavy train traffic, to at least one bridge  
2 in the vicinity of Cote Ste. Catherine's, where there is  
3 practically no traffic. It is merely an access bridge  
4 for our own service, or to a certain extent there may be  
5 some people who require to cross it, but it is a very  
6 minimum. There are other main traffic bridges in  
7 the Welland vicinity where a very heavy traffic crosses.  
8 I do not know if it is as heavy as the Victoria, but it  
9 is quite heavy.

10 Q. Victoria Bridge, would it be possible  
11 for a ship going through the system to do such harm to  
12 the Victoria Bridge as would put it out of operation?

13 A. Oh, yes, it might happen that a ship  
14 would get out of control and strike the closed bridge.  
15 It could possibly happen, yes.

16 Q. It could. What about the other bridge  
17 which you have mentioned? Not the access bridge, but  
18 you mentioned a third one a moment ago.

19 A. There is a very heavy traffic railway  
20 bridge in the vicinity of Welland. It is vulnerable  
21 to being struck and put out of service by a ship. The  
22 ocean ships, I might say, have surprised us on the occa-  
23 sions when their protruding bows or high-sided decks, or  
24 docking bridges have come in contact with open bridges.  
25 In other words, they extend further beyond the lock wall  
26 than had been expected. This only occurs when the ship  
27 can manage to get somehow crossways in the canal approach,  
28 so that it actually comes at an angle towards the bridge  
29 and there have been occasions when the bridge has been  
30 caught in a fully open position by a bridge of that nature.





1                   The bridges in some areas are protected  
2 by fenders, but most of them aren't and they are in  
3 general vulnerable to ships which would not check the  
4 motion of the ship if the bridge doesn't open.

5           Q.       Apart from of course stopping traffic,  
6 are you able to say what the effect would be if a ship  
7 were to damage a bridge and put it out of operation for  
8 any reasonable period of time?   I am not talking about  
9 an hour or two, but for days.   Do you think that  
10 traffic could be diverted elsewhere?

11           A.       No, I certainly don't think it could be  
12 diverted.   There is only one set of bridges where it  
13 could be diverted, and that is at the Twin Locks in  
14 Welland.   If one of those bridges happened to be put out  
15 of commission by a ship, the other side of the Twin Locks  
16 could be used, but it wouldn't represent half of the  
17 volume of the two.   It might even be a third.   I  
18 don't know, but there are many cases where if a bridge  
19 were put out of commission the delay would be excessive.  
20 Actually it is something we don't like to think of.

21           Q.       Now, sir, have you ever had occasion to  
22 visit Suez Canal?

23           A.       No.

24           Q.       Panama Canal?

25           A.       Yes.

26           Q.       Kiel Canal?

27           A.       No.

28           Q.       Manchester Ship Canal?

29           A.       No.

30           Q.       Have you ever had an opportunity to sail







1 on oceangoing ships in narrow and winding rivers?

2 A. Very slightly. I certainly don't  
3 pretend to be an expert in that line, if that is what  
4 you are coming to.

5 Q. Well, I just wanted to check your basic  
6 information and your basic knowledge. So we shall limit  
7 ourselves to the Panama Canal.

8 How many times have you been down the  
9 Panama Canal?

10 A. Once.

11 Q. Did you have an opportunity to observe  
12 ships going through the locks?

13 A. Yes. Actually it was a trip to observe  
14 their operating procedures, and the methods of handling  
15 the ships in the locks, so that we might perhaps steal  
16 some of their thunder and apply it here if it was  
17 possible to do so.

18 Q. Was that done before the Seaway was built?

19 A. No, it was after the Seaway was opened.

20 Q. The ships which you observed going  
21 through the Panama Canal, were they oceangoing ships?

22 A. Yes.

23 Q. Would you, for the benefit of the Com-  
24 mission, outline the difference in procedure or the dif-  
25 ference in the size of the locks, or in the structures  
26 of the locks, between the Seaway and the Panama Canal?  
27 You have mentioned several times that oceangoing ships  
28 weren't built for the Seaway, or rather the Seaway was  
29 not built for oceangoing ships, with the result that  
30 the transiting of the Seaway by oceangoing ships was





1 perhaps dangerous, or hazardous?

2 A. I don't recall having said that the  
3 Seaway was not built specifically for the ocean ships.  
4 It was built to a design that was favourable to the  
5 inland traffic that had existed. The canal system, I  
6 think, grew up at the same time as the inland shipping  
7 grew, and one I am sure affected the other.

8 The Panama Canal, now, you will appreciate  
9 that I am depending on my memory is an operation somewhat  
10 different to what we do. One of the things that is  
11 pertinent there is that the mileage saved is enormously  
12 greater in arriving at the final destination of the  
13 goods in transit than it is in the inland trade. It  
14 is not captive trade, but some of it very closely is.

15 As we understood it, and we were care-  
16 fully and thoroughly conducted over their system, the  
17 ships that are moving, say are going to move tomorrow,  
18 are known, and their accompanying personnel are pro-  
19 portionate to the ships in general, they know the order  
20 of procedure as far as the ships are concerned, who will  
21 follow who, where they will meet generally, and the  
22 dispatch is completed in essence the day previous, so  
23 that when the ships approach the lock they are examined.  
24 Any customs that are required, and this part we didn't go  
25 into, but in the entrance harbours, and at that point the  
26 pilots go aboard and conduct a certain examination of the  
27 ship. Now, that I am not very familiar with but they  
28 take aboard with them a crew of canal employees to handle  
29 the winches and lines aboard the ship, and carry out the  
30 pilot's instructions aboard the ship.







1                   The pilot, as I understand it, is  
2 responsible for the ship, rather than the master, for  
3 the passage. The ship is told the time to proceed to  
4 the first lock, and when they come right to the lock  
5 entrance the pilot is in charge, and he directs the  
6 speed of the ship, and cons it.

7                   At that point the ship is met with I  
8 think two linesmen on each side of the ship in small  
9 rowboats handled by a third man. The lines are taken  
10 from the shore where they are attached to movable winches,  
11 on what they call mules, which travel on tracks parallel-  
12 ling the lock.. The line is taken in the small boat  
13 to the vicinity of the oncoming large vessel, and small  
14 heaving lines are cast down from the ship to the small  
15 boat. He makes these heaving lines fast to the steel  
16 cable, and the cable is drawn aboard. This happens in  
17 sequence. Two lines on each side of the ship, so that  
18 by the time the ship is just about to enter the lock it  
19 is held by at least two cables on each side. The  
20 larger ships have more. I think many that we observed  
21 had at least three on each side, and the mules, the  
22 movable winches, proceed with the ship, and shepherd  
23 it into the lock. The tension on the line is controlled  
24 by the operators' mules, and the ships, while their  
25 forward motion isn't stopped from the wheel, a good  
26 deal of the forward motion comes from the lines.

27               Q.       This whole operation of bringing a  
28 ship into a lock in the Panama Canal, how does it com-  
29 pare to bringing a ship into St. Lambert lock in point  
30 of view of time, difficulty of manouvre, and particularly





1 in point of view of overhanging bows and superstructure  
2 peculiar to oceangoing ships?

3 A. To answer the last part first, the ship  
4 doesn't actually come in contact with the walls, because  
5 it is restrained by the cables. Protruding bows and  
6 high sides won't normally touch the walls at all. In  
7 the locks here a ship comes in under its own power, and  
8 the lines are secured aboard ship. They are secured  
9 aboard ship by winches aboard ship, and the free end of  
10 the line with the bight is taken ashore by hand lines,  
11 normally by the lock crews, and they follow the ship  
12 as required by walking alongside, and they secure the  
13 lines to the bollards. The men aboard ship, the winch-  
14 men, tighten the lines as instructed by the captain.  
15 The exact sphere of influence between the ships'  
16 officers and the pilots -- and while I have been aboard  
17 many it is not entirely clear to me. I do not know  
18 what their normal sphere of influence is.

19 Q. Which would take longer, to dock a  
20 ship into St. Lambert or Gatun Lock or Miraflores Lock,  
21 any of them?

22 A. Well, I think our system is a little  
23 faster. Theirs is not materially longer at that stage.  
24 It takes a great many more men. I think it is of the  
25 order of twelve men who go aboard the ship, and I think  
26 the pilot is extra to the twelve, and ashore they have  
27 several times the crews that we have, so that the opera-  
28 tion is more economical, somewhat more economical as  
29 to time, and certainly moneywise it is much more  
30 economical. The size of the ship generally is greater









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(Jacques)

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1 in comparison with the size of our locks, and at the  
2 Panama most of their trade has a greater clearance,  
3 both as to length and as to width of the chamber.

4  
5 ---Short recess.  
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1 Q. Would the Seaway Authority favour having  
2 its own pilots?

3 A. That is a pretty broad question for me  
4 to attempt to answer. That would be a matter for de-  
5 cision by the Authority, if the question should arise  
6 or the opportunity should arise. I would say that there  
7 are some factors that probably could be more readily  
8 administered under one entity than under two. There  
9 would be certain difficulties entailed, cost-wise in  
10 direct charge to shipping, no doubt, that it does not  
11 now bear. I couldn't answer that question specifically.

12 Q. Thank you. Mention was made of the  
13 possibility of accident caused by ships coming into locks  
14 at excessive speeds. Has such a thing happened?

15 A. Oh, yes. We have had ships proceed  
16 towards the gates and so far they have all been arrested  
17 by the safety booms, which are broken in that case and  
18 have to be replaced, with some hours of delay. It  
19 might be eight or ten hours, of that order. Yes, there  
20 have been accidents of a serious nature through that  
21 cause.

22 THE CHAIRMAN: While we are on the  
23 subject, with regard to whether the Seaway would favour  
24 pilots coming under their jurisdiction, I think from  
25 what I have heard here so far that this is not their  
26 policy because their policy is that the master is still  
27 responsible for his ship and that the pilot is just an  
28 adviser to the master; therefore, should they provide  
29 their own pilots under their Authority they would take  
30 some responsibility for the ship, wouldn't they?







1 THE WITNESS: Certainly that is the  
2 case in the Panama where the pilots are direct pilots  
3 of the Canal. The responsibility rests, to a certain  
4 extent, I think, quite a major extent, with the Canal  
5 authorities. I do not know how far that would, of  
6 necessity, go. In the Panama, as it was explained to  
7 us, the pilot is in charge and the ship moves as  
8 directed by the pilot. The master has some authority  
9 over the ship's crew but apparently not over the passage  
10 of the ship, and, as we could make out, not over whether  
11 a ship would go here or there. It was under the  
12 direction of the Canal Authorities. Whether that  
13 would of necessity follow, I am not too sure. The  
14 pilots might act in an advisory capacity with the  
15 residual responsibility remaining with the master.  
16 That, I think, would be possible.

17 BY MR. JACQUES:

18 Q. Now, have you been able to establish  
19 if it takes longer for an ocean ship to cross, to  
20 transit the system, than a lake ship?

21 A. That is difficult to say because under  
22 our present conditions of traffic, and this has pertained  
23 practically from the moment we opened, that the ships are  
24 in tandem, each one waiting upon the vessel ahead or the  
25 vessel who was in the present lock that they will be  
26 occupying in a few moments, and it is not a very easy  
27 comparison to make, for the reason that each one is  
28 waiting on the other. They are not as easy to handle  
29 through the canal locks nor are they so easy to handle  
30 and man in the narrow canal reaches. But the speed,





1 assuming that they have a successful passage, is pro-  
2 bably if anything the other way, that they are more  
3 inclined to make perhaps a better speed. They are a  
4 little faster and tend to speed, possibly because they  
5 are accustomed to a higher speed and possibly because  
6 the inland ships have all learned the hard way that  
7 it does not pay to go too fast.

8 Q. Now, when a ship is in a lock, does it  
9 take longer to put a deep sea ship through the lock  
10 than a large laker?

11 A. There is more difference between some  
12 large lakers and other large lakers and between one ocean  
13 ship and another ocean ship than there is of necessity  
14 between two ships, inland versus ocean, because so much  
15 depends on the instructions of the owners, as reflected  
16 in the movements of the master, in the speed that he  
17 makes, particularly entering the locks. Some are very,  
18 very slow, and some proceed quite quickly and smartly.  
19 The changing of a master on a ship often or may change  
20 the character of the ship. One master may be quite  
21 cautious; another one may be more nonchalant and still  
22 just as successful. Other than the fact that an  
23 ocean ship seems more difficult to handle in the waters  
24 than the inland ships, I couldn't say there was much  
25 difference in the time element as such.

26 Q. You have provided the Commission with a  
27 list and other evidence on delays caused by the lack of  
28 pilots or caused some way by pilots, but are you able  
29 to tell the Commission whether there are any delays  
30 caused by the masters of ships without pilots?









1 MR. LALONDE: On a point of clarification,  
2 tion, my lord, my friend says that there were in some way  
3 delays caused by pilots. I think we should stick to  
4 the title of this exhibit, which I have just looked at  
5 and I think it would be unfair to say that it is neces-  
6 sarily delays caused by pilots.

7 MR. JACQUES: If I may set my learned  
8 friend's mind at ease, I have already obtained the infor-  
9 mation on each and every one of the delays which are  
10 mentioned in Exhibit 493, and I am sure that he will  
11 find the explanation to his satisfaction.

12 Q. Now, would you answer the question?

13 A. Would you repeat it, please?

14 Q. We have talked about delays caused by  
15 ships, on which there were pilots. Would you have any  
16 example of delays caused by ships on which there were no  
17 pilots?

18 A. There are delays caused by ships with  
19 no pilots, but not by reason of there being no pilots.  
20 The occasion would not arise where there was no officer  
21 in charge of the ship. You might assume that the master  
22 might go ashore and perhaps not return promptly.. That  
23 would be extremely rare and is not of the same order as  
24 of the times when the pilot was either a little late in  
25 arriving or when possibly the wrong one came.

26 Q. On Exhibit 493, I note that you have  
27 mentioned delays of eighteen minutes, fifteen minutes,  
28 eleven minutes, four minutes, twenty and twenty-five and  
29 thirty minutes, one hour and twelve minutes; how do you  
30 consider a delay of four minutes? Is it something





1 which affects adversely the operation . . . ?

2           A.       This arises probably from a little over-  
3 zealousness on perhaps our part or on the part of the  
4 people at the lock because the people at the lock are  
5 well disposed towards ships' masters as they are  
6 towards pilots and they are just a little bit loath  
7 to record a delay that is somebody's precise fault. If  
8 there is an accident, that is a different thing -- it  
9 has to be explained. But the fact that a ship is  
10 delayed for a few minutes is likely to be overlooked  
11 and certainly if the delays are shown, you may assume  
12 that it is as shown. It is not less, in any case, and  
13 there are some of these delays that are so small as to  
14 be insignificant. But the purpose in reporting them  
15 and of having them reported is to make the whole system  
16 apparent to all concerned, that there is some delay and  
17 that if it is not checked it might become quite offensive.

18           Q.       What would you consider a significant  
19 delay in the system?

20           A.       Well, as far as we are concerned, there  
21 are twenty-four hours in the day and if there is a five-  
22 minute delay waiting for anybody, that in itself is  
23 significant. We can't recover -- you can't speed the  
24 lock up any, or the entrance of the next ship. But  
25 looking at it in the context of the time it takes for  
26 a ship to go through a lock, four or five minutes is not  
27 unduly important perhaps. It is much more important  
28 that the master comes in promptly and, of course, con-  
29 versely, that our operators do precisely the same thing  
30 and keep our system moving along as it should do.







1 Q. Would a twenty-minute delay be  
2 significant?

3 A. Yes, it would. The time passage of a  
4 ship is something of the order of forty-five minutes.

5 Q. In the lock?

6 A. From one ship in to another ship in, say;  
7 that is quite significant in times when the system is  
8 practically at capacity, which is very frequent.

9 Q. Do you know if insurance rates in the  
10 Seaway have changed in the past years? Are you able  
11 to answer that question?

12 A. Not to my own knowledge, no.

13 Q. Thank you, sir. I wish to correct  
14 some of the statements you have made concerning the  
15 pilots. The Exhibit reads: "Statement showing the  
16 vessel delays on account of lack of pilot."

17 A. There is one thing that I should say in  
18 explanation. You asked me as to what time -- I was  
19 asked by his lordship -- as to what time we visited the  
20 Panama and I was about to state that the construction  
21 personnel, those responsible for the design of the system  
22 and construction of the seaway have visited the Panama  
23 at a previous date, and, as a matter of fact, the  
24 Panama people and our own people, starting back in the  
25 Welland Canal construction days, have been quite close  
26 together with respect to major changes. They do not  
27 think alike, necessarily, but they are reasonably well  
28 aware of what the other is about.

29 MR. JACQUES: Thank you.  
30





1 CROSS-EXAMINATION BY MR. LALONDE:

2 Q. Mr. Burnside, I would like to refer to  
3 Exhibit 493 entitled "St. Lawrence Seaway Authority,  
4 Eastern Region, South Shore Canal, St. Lambert Lock --  
5 Statement showing the vessel delays on account of lack  
6 of pilots." Is this a document which has come from  
7 your office?

8 A. It was prepared by the Eastern Region  
9 and it has been forwarded to our office.

10 Q. It has been prepared by the St. Lawrence  
11 Seaway Authority?

12 A. Yes, that is right.

13 Q. And it covers the three pages which are  
14 contained in this document?

15 A. I am not familiar with the number.

16 Q. Because I find that there is one  
17 original -- the first sheet is original and the other  
18 two are photocopies.

19 A. This may well have been prepared at a  
20 somewhat different time by a stenographer.

21 Q. I found some handwritten notes in each  
22 case, which I would like you to look at and mention  
23 whether you have any knowledge of these handwritten  
24 notes?

25 A. No. I have not the origin of them.

26 MR. LALONDE: My lord, I would like  
27 to submit a point here. There are these handwritten  
28 notes beside most of the cases which appear to be  
29 explanations for the delays in each case. It seems  
30 that they have been added to the Exhibit after it was







1 filed and I just wondered, my lord, if I can use these  
2 notes or leave them out? I would like to have instruc-  
3 tions from your lordship in that regard.

4 THE CHAIRMAN: You may use the notes  
5 for phrasing the questions for your examination. You  
6 may use them, but the notes are not in evidence.

7 MR. JACQUES: If I may add, these are  
8 the notes made by the Regional Supervisor of Pilotage  
9 here and he has prepared an answer to each and every one  
10 of these delays, which are mentioned in Exhibit 493, and  
11 the supervisor would be available tomorrow to give  
12 evidence about those handwritten notes.

13 MR. LALONDE: I understand that Mr.  
14 Burnside is not in a position to make any comment on  
15 this fact?

16 THE CHAIRMAN: You may ask him.

17 BY MR. LALONDE:

18 Q. Are you in a position to give any  
19 comments on the causes of these delays in each case?

20 A. No; other than what is inherent in the  
21 system, that the pilot apparently was not present when  
22 the ship was ready to leave.

23 Q. I will limit myself, therefore, to what  
24 is typewritten and which comes from your Authority, I  
25 suppose?

26 A. That list was forwarded to our office  
27 and was taken for discussion to Ottawa, as I recall it,  
28 and was left at that time with Pilotage representatives  
29 as a method of indicating that while there was a more  
30 involved . . .





1 Q. Now, you have a case here with a delay  
2 of fifteen minutes in the case of the Seaway Queen, in  
3 May, 1953, which appears as "Delay on account of lack of  
4 pilots," and the explanation is as follows:

5 "Reported by the master of the  
6 concerned vessel that he, the master,  
7 was waiting for the pilot when at that  
8 time the pilot Tremblay was already  
9 on board the vessel. It was found  
10 later that the master was waiting  
11 for some security officers. The  
12 said vessel was seen by the lower  
13 approach wall. No other vessel  
14 was delayed on account of the above."

15 Would you properly classify this as a delay on account  
16 of lack of pilot?

17 A. According to the context, it was a  
18 delay improperly attributed to Pilotage, according to  
19 the explanation, which I would be certainly glad to  
20 accept.

21 Q. You also have cases where it seems that,  
22 from what appears here, the lock pilot was ordered. For  
23 instance, they seem to have the case of the Ste. Marie,  
24 August 11th, 1962, downbound, requested a river pilot  
25 instead of a harbour pilot. This would mean in fact  
26 that there might very well have been a pilot on board  
27 available but it was the wrong pilot?

28 A. That would seem to indicate that the  
29 most probable occurrence was a change of an order of  
30 the ship, where he had intended to go to the harbour or







1 the river, as the case may be, and that either his  
2 orders were changed or he changed his own method, his  
3 own route, and that there was no corresponding correc-  
4 tion made in his original request.

5 Q. We asked you last week for statistics  
6 concerning delays for other causes in the St. Lawrence  
7 Seaway, above Montreal. Do you have the statistics  
8 with you?

9 A. Yes, I have.

10 MR. LALONDE: I have here, my lord,  
11 a document entitled, "Delays to Navigation, Eastern  
12 Region, 1959-1962," and a second document entitled  
13 "Delays to Navigation, Central Region, 1959-1962,"  
14 and which reproduces the causes for delay or for  
15 various items which I would like the witness to explain  
16 to me. I file those two documents as Exhibits 494  
17 and 495.

18 ---EXHIBIT NO. 494: Document entitled "Delays  
19 to Navigation, Eastern  
20 Region, 1959-1962."

21 ---EXHIBIT NO. 495: Document entitled "Delays  
22 to Navigation, Central  
23 Region, 1959-1962."

24 Q. Would you mind explaining the various  
25 causes of delays which are mentioned on these sheets and  
26 what is the Eastern and the Central Region?

27 A. The Eastern Region would extend from  
28 the entrance of the Seaway at Montreal Harbour to the  
29 upper end of the dike in Lake St. Louis and consists of  
30 the South Shore channel, the St. Lambert Lock and the





1 Cote Ste. Catherines Lock, including the bridges in  
2 the system, until you arrive at Lake St. Louis. The  
3 Central Region extends from Beauharnois Lock to just  
4 above the Iroquois Lock, with the exception of the  
5 area that is occupied by the United States section of  
6 the Wiley Dondero Canal from the western entrance to  
7 Lake Ste. Francis, to a position in Lake St. Lawrence  
8 where the division crosses essentially from the American  
9 waters to Canadian waters.

10 Q. Yes. Would you explain the various  
11 causes as they are mentioned in the Exhibits?

12 A. They are both drawn in a similar fashion;  
13 the first column being the year, starting with 1959 when  
14 the Seaway opened; the next being equipment, obstruction,  
15 vessel, weather and total. The equipment column  
16 would indicate delays due to our own Seaway equipment,  
17 whether it be lock valves or other equipment there or  
18 bridge equipment or failures of that order. An ob-  
19 struction would indicate some foreign object obstructing  
20 the swinging of the lock gates or the motion of the  
21 valve or even the opening and closing of a bridge.  
22 A vessel would be a delay caused by a motion of the  
23 vessel or by the vessel itself. The weather is due to  
24 the inclement conditions that would halt navigation,  
25 being fog, high winds, torrential rains, possibly ice  
26 and such conditions as that.

27 Q. That would be the last column, called  
28 "Weather"?

29 A. The last column being a total of the  
30 other four items. I might say, in some explanation of









1 the "Obstruction" column, which is very small in compari-  
2 son to that for the Welland Region, is that the operation  
3 of the lock gates has been improved to avoid delays due  
4 to obstruction and that has given rise to most of the  
5 obstructions on the Welland. This is an indication  
6 of improved design in the Seaway portion.

7 Q. And the previous statistics produced  
8 in Exhibit 493 relating to delays due to lack of pilots,  
9 they were given under "Vessel"?

10 A. Quite frankly, I do not know. As a  
11 total, it certainly would not be obstruction or equipment  
12 or weather; so I presume it would be vessel, in that  
13 the vessel was not able to move.

14 Q. Does it happen, for instance, at St  
15 Lambert that vessels will have to wait or will be a  
16 little bit delayed for instance because of waiting for  
17 laundry or for some shiphandler?

18 A. The delays in that regard have been a  
19 minimum. When the system was set up, so that they  
20 could take aboard some articles to the ships, it was  
21 understood by and made plain to the trade that if delays  
22 developed, the privilege would have to be denied be-  
23 cause the system in the trade is that it couldn't stand  
24 delays of that nature. So, for that reason, they are  
25 certainly at a minimum and so far they have not appeared  
26 significant.

27

28

29

30





1 Q. I notice that in Exhibit 494 you have  
2 an average delay in the Eastern Region for equipment  
3 from 1959 to 1962 of 21 hours 11 minutes?

4 A. Twenty-nine hours, I think it is.

5 Q. Yes. And for the Central Region, for  
6 the same period it is 13 hours, 1 minute. Is there any  
7 particular cause for such a large difference between the  
8 two regions? Are there more locks, or what?

9 A. No. As a matter of fact the Central  
10 Region has three locks and the Eastern two. There  
11 have been more breakdowns of equipment in the Eastern  
12 Region than in the rest of the system, possibly because  
13 the Iroquois Lock is a very low lift, and it is unusual  
14 for anything to occur there of that nature. The  
15 equipment is not likely to break down.

16 Q. Then, on the same exhibit, No. 494,  
17 I notice that the average delays caused by vessels would  
18 be eighteen hours, which would be eleven hours as an  
19 average less than the delays due to equipment?

20 A. Eleven hours and eleven minutes less.

21 Q. Yes, and when we look at the Central  
22 Region the reverse seems to be the case. That is, you  
23 have 22 hours' delay, 2 hours, 55 minutes, versus 22 hours  
24 and one minute?

25 A. You may recall the remark that I made  
26 to this effect, that while I could produce these  
27 figures for the Montreal to Lake Ontario section of the  
28 Seaway, they would probably not be as significant as  
29 those for the Welland, where the Welland is concentrated,  
30 and is not subject to any particular outside influences,







1 and is all under one, is really one unit, and it is  
2 difficult to compare these two lists, and make as  
3 intelligent conclusions as you could draw from the  
4 Welland respecting the equipment, for instance, obstruc-  
5 tion. It is more difficult.

6 You will notice for 1961 there were  
7 no obstructions at all in the Eastern Region. There  
8 were none for 1959. In 1962 there were four hours  
9 and fifteen minutes, and while equipment itself is very  
10 constant in the Eastern Region throughout the years, the  
11 delays from vessels themselves aren't, one year being  
12 eight hours twenty-nine minutes, the next thirty hours  
13 and no minutes. One significant delay would throw the  
14 balance out of context.

15 One of the reasons that the equipment  
16 on the Eastern Region is fairly high would be due to  
17 trouble at the entrance lock.

18 Q. You referred to the fact that the opera-  
19 tion in the Panama Canal was more, well, more complex, if  
20 you wish, in the sense that there are more people involved,  
21 and it is more expensive. Would you be in a position to  
22 assert whether it is safer?

23 A. My understanding of the matter was that  
24 there were less incidental damages to ships. Part of  
25 that is because the channel is wider. The locks are  
26 wider. The system isn't perhaps as intricate as here.  
27 It is certainly not as long. It is about fifty miles.  
28 The ships have more room to manoeuvre. I think perhaps  
29 there is more money spent on construction. I think  
30 perhaps the fact that the ships are brought in on a cable





1 certainly minimizes the accidents to the ships, but  
2 that system couldn't be put into effect here and maintain  
3 the volume of traffic that we do maintain.

4 Q. Do you mean to say that because it is  
5 longer it makes that much difference in time that you  
6 couldn't have that system here, or is it a matter of  
7 cost?

8 A. Well, it is both. The Panama Canal  
9 is all double. That is, there is an upbound lock and  
10 a downbound lock. They can reverse them, too. They  
11 are there and a ship can be proceeding in one direction  
12 in one lock, and in the other in another at the same  
13 time, and there are very little of ours where that  
14 could be done, and their system, it just couldn't be  
15 applied. The lifts are too great, for one thing. Ours  
16 is of the order of  $47\frac{1}{2}$  feet per lock. The other is of  
17 the order of 80 feet on three lifts, and the whole  
18 system would have to be redesigned, I am sure, to put  
19 any such thing into effect, and it was very carefully  
20 considered, not only at the time the Seaway was built,  
21 but at the time the Welland was built, and at that time  
22 it was considered better to put in the present system,  
23 which I think is correct.

24 Q. You explained your views as to the  
25 change of pilots in Montreal harbour, or near St.  
26 Lambert locks?

27 A. Yes.

28 Q. If I understood you well, you said that  
29 for downbound ships you would consider that the Seaway  
30 pilots should go with the ship to a safe anchorage, even







1 if there is a Montreal harbour or Montreal river pilot  
2 on board.

3 A. What was implied there was the fact that  
4 if the pilot weren't there, if he were delayed for any  
5 reason, that the duty pilot should continue, and remove  
6 the ship to a place of safety, and also so that it  
7 wouldn't block the system, and that it could well be  
8 put in the same system there that you have for instance  
9 at the Welland, where they change by pilot boat, not  
10 in the lock nor in the harbour when they are tied at  
11 the wharves, but in the outer limits of the harbour  
12 when the ship is in motion. In those conditions a  
13 vessel leaving the lock, one downbound, can proceed at  
14 a normal speed and pass the vessel that is lying in  
15 wait to enter, so that the entering vessel can proceed  
16 immediately. It does save a lot of time to have  
17 inbound ships take their pilots in Lake Ontario. They  
18 were waiting around the three-mile limits in Lake Ontario.

19 Q. And at Welland is it the same as at the  
20 other end of the canal?

21 A. No, they proceed upstream to Lake Erie.

22 Q. Is it a fact that at Welland you also  
23 have pilots boarding over the approach wall?

24 A. No. The pilots take ship in Lake  
25 Ontario.

26 Q. Is it a fact that you have a change of  
27 pilots now at Lock 7 in the Welland Canal?

28 A. No, not to my knowledge. We don't ad-  
29 minister the pilots, but there has been no indication  
30 at all that they have changed there. Certainly not to





1 my knowledge, it was never changed.

2 Q. What about Snell Lock?

3 A. I believe they change in Snell Lock, but  
4 Snell Lock isn't under our control.

5 Q. You have been at Panama. Where do the  
6 pilots board the vessel at Panama?

7 A. They board in the entrance harbours,  
8 which are at some distance from the lock entrances. They  
9 board and examine the ships, and carry out some duties,  
10 other than those of our pilots here, as I understand.

11 Q. Have you calculated the total time of  
12 delays in the locks actually to lack of pilots for the  
13 years mentioned, 1959 to 1962, comparatively to other  
14 factors?

15 A. No, I have not. I would say that the  
16 delay due to the pilots would, I trust, and I am sure,  
17 would appear very small in comparison to other reasons.

18 Q. Would it be possible also that it would  
19 not amount to more than delays due to equipment?

20 A. I wouldn't think it would amount to the  
21 delays due to equipment, and I would hope not.

22 Q. I would like to refer you back to the  
23 evidence you gave concerning linesmen, and the way these  
24 linesmen were brought to the approach wall.

25 There was a reference before the Com-  
26 mission to two accidents which occurred. If a man were  
27 simply to fall into the water, without having been,  
28 without having suffered an accident, an actual accident,  
29 would that be reported to you?

30 A. Not necessarily. If the lock personnel









1 were aware of it, I am satisfied that they would make  
2 it known because it would be a serious hazard.

3 Q. And coming back to delays in the locks  
4 itself, suppose you have a vessel which your lockmaster  
5 will find overdraught for the Seaway, is it a fact that  
6 the lockmaster will hold the ship in the lock until he  
7 would get a statement from the master that the ship was  
8 inspected down in the harbour and cleared for the Seaway,  
9 for instance?

10 A. Would you repeat the latter part of  
11 that. I am afraid I didn't follow you.

12 Q. If you have a vessel which is found to  
13 be overdraught -- your lockmasters would find that --  
14 isn't it a fact that this ship would be held in the  
15 lock until some evidence was produced by the master to  
16 the effect that the ship was effectively inspected by  
17 your inspectors?

18 A. No, I don't think that would follow at  
19 all. He might be asked for a statement, but the  
20 essential thing would be to arrange for the correction  
21 of the draught, which he might start by pumping extra  
22 water, or something of that nature, while he was still  
23 in the locks, but every effort would be made to take  
24 him out of the lock to the next place where he could  
25 anchor and correct his draught or come to a wall and  
26 correct it.

27 Q. The St. Lawrence Seaway Authority is  
28 a Crown corporation, isn't it?

29 A. Yes.

30 Q. And did I understand your evidence well,





1 in the sense that did you say you would favour that  
2 all communications on the Seaway be carried out in the  
3 English language?

4 A. It would facilitate our operations. We  
5 have been presented with contentions by the shipping  
6 fraternities that it would be advantageous from their  
7 standpoint, in that the great majority of the captains  
8 could understand English, while the French and the  
9 foreign ships appeared to outfit their ships with captains  
10 who are familiar essentially with the English language,  
11 so that they may trade with the Americans as well as  
12 with ourselves.

13 Q. Do you mean to say that you would  
14 require a French-speaking pilot to communicate in English  
15 with the French-speaking despatcher at Beauharnois, for  
16 instance?

17 A. For the reason that the third party  
18 to the procedure is the master of the ship, and it has  
19 been stated that there are times when the master doesn't  
20 know what the pilot, what the despatcher has actually  
21 told the pilot, and there may be a conflict of interest.  
22 It is represented to us that the master should be fully  
23 aware of the conditions as it may affect his vessel.

24 Q. Do you have any idea in which language  
25 the pilots communicate with the shore bases in harbours  
26 in France, for instance, on the Seine up to Rouen?

27 A. I don't know of my own knowledge, no.

28 Q. Do you have any idea which language  
29 the German pilots on the Kiel Canal or on the Elbe  
30 would communicate with their shore bases?







1 A. I have no knowledge of my own know-  
2 ledge.

3 Q. Would you have a knowledge concerning  
4 any other countries where, let us say, Britain, the  
5 United Kingdom, where obviously the language would be  
6 English?

7 A. I don't pretend to personally have  
8 that knowledge.

9 THE CHAIRMAN: It is past five o'clock.

10 MR. LALONDE: I may have finished.  
11 But if I have any more questions I hope I will be able  
12 to finish up tomorrow morning.

13 THE CHAIRMAN: We will adjourn until  
14 tomorrow morning at ten o'clock.

15  
16 ---At 5.05 p.m. the Hearing was adjourned until  
17 10.00 a.m., Thursday, July 4th, 1963.

18  
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# ROYAL COMMISSION

ON

## PILOTAGE

### HEARINGS

HELD AT

**MONTREAL**  
**QUEBEC**

VOLUME No.:

42A

DATE:

July 4, 1963

OFFICIAL REPORTERS  
ANGUS, STONEHOUSE & CO. LTD.  
BOARD OF TRADE BLDG.  
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing  
held at the Court House,  
Montreal, Québec, on the  
4th day of July, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq. Q.C.	Member
Harold A. Renwick, Esq.	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques	
Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild

PRESENT:

Mr. J. Brisset	for the Shipping Federation of Canada
Mr. J. M. Jacques	for the National Harbours Board
Mr. J. Mahoney) Mr. C. Mason )	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid-St. Lawrence Pilots; the Cor- poration of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots.
Captain J. S. Scott,	Technical Advisor to the Commission
Captain F. S. Slocombe,	for the Department of Transport and liaison officer.





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English  
/md

1 --- Upon resuming at 10.00 a.m.

2  
3 MR. BURNSIDE, recalled and sworn

4  
5 CROSS-EXAMINATION BY LALONDE: (Continued)

6  
7 Q. Mr. Burnside, you mentioned in  
8 previous evidence that you had inspectors carrying on  
9 these inspections of ships in the Montreal Harbour itself  
10 before they could go into the Seaway.

11 Could you explain to the Commission what  
12 qualifications you require from these inspectors before  
13 they are appointed?

14 A. We had hoped to obtain masters with  
15 experience on the ocean as well as inland, and we were  
16 able to accomplish that. One captain has many years at  
17 sea, and has also put in time in the inland waters, and  
18 he has also had years of experience as a pilot, so that  
19 he would be in a position to advise us on nautical  
20 matters.

21 Q. Is this in the St. Lawrence River, his  
22 experience?

23 A. His experience is on the Great Lakes.  
24 We are not concerned with the river as such.

25 Q. Yes. I was referring really to the river  
26 further up from Montreal?

27 A. His inland experience was previous to the  
28 opening of the present Seaway, of course.

29 Q. How many inspectors do you have?

30 A. We have two. The second is a master







1 mariner. I am not sure that he has had pilotage exper-  
2 ience. I rather doubt that he has.

3 Q. Has he got experience on the canal  
4 navigation, and on the Great Lakes?

5 A. He has a certain amount of experience on  
6 the Great Lakes navigation, and considerable experience  
7 on the ocean. It is surprisingly difficult to obtain a  
8 master who has had significant experience in both, and  
9 who is also available for service with us.

10 Q. I suppose it is more a matter of cost,  
11 or price, or what, or salary?

12 A. Well, I think that the salary is not the  
13 major factor perhaps, although it is always important,  
14 but that is not why we are able to hire them. There  
15 comes a time in a person's life perhaps when they would  
16 prefer to stay close to home, and avoid the long sea  
17 duties, and I think that is what made it attractive to  
18 these persons.

19 MR. LALONDE: Thank you very much.

20

21 CROSS-EXAMINATION BY MR. LANGLOIS:

22

23 Q. Mr. Burnside, last week you mentioned  
24 that there was some improvement in the handling of ocean  
25 going vessels through the Seaway, and you indicated that  
26 this was due to the fact that masters were getting used  
27 to the Seaway, and that the crews were improving their  
28 methods of handling ships.

29 Do you think, sir, that some of this improvement  
30 is also due to the work of the pilots?





1 A. I am sure that I was very careful to add  
2 the very important factor that the pilots are not only  
3 doing a very commendable job, but they themselves are  
4 improving as they gain experience with the individual  
5 ships.

6 Q. Is it to your knowledge, sir, that masters  
7 of ocean going ships don't con their own ships in the  
8 Seaway, but the work is done by the pilot?

9 A. From our observation it is apparent that  
10 most of the actual conning is done, if there is a pilot  
11 aboard, generally I would say that he does the conning.  
12 We neither administer nor particularly observe the  
13 procedure in this regard.

14 Q. You have also indicated that the turnover  
15 of masters of ocean ships was quite great?

16 A. I didn't quite understand you.

17 Q. You have also indicated, if I understood  
18 you correctly, that the masters of ocean vessels were  
19 being changed, that the turnover was quite great in these  
20 ships. Is that correct?

21 A. I don't recall that specifically with  
22 regard to the masters. It has come to our notice that  
23 the crews of the ships were inclined to be changed. I  
24 am not familiar with the fact that different masters were  
25 of necessity sent in at all. I am rather inclined to  
26 doubt that. It isn't within our observation. However,  
27 we have been informed that the crews aboard the ships  
28 were frequently changed for one reason or another.

29 Q. Now, sir, do you think that in the St.  
30 Lawrence River masters of inland vessels do not handle







1 ships in coming alongside, or manoeuvring in port, that  
2 all this is done by the pilots?

3 A. Do I understand you that the question is  
4 am I aware that the ships are brought to the docks by  
5 the pilots, and not the masters?

6 Q. Yes.

7 A. I wouldn't be competent to answer that.

8 Q. In reply to a question by my friend Mr.  
9 Jacques yesterday regarding the time taken by inland  
10 vessels as compared to ocean vessels with pilots on board  
11 going through the Seaway system, I understood you to say  
12 that it was very difficult to state as to whether or not  
13 inland vessels without pilots were taking more time to  
14 go through the Seaway than ocean going ships, but I  
15 would like to know if any check has been carried out of  
16 the time taken by the various types of ships going through  
17 the Seaway system?

18 A. We do record the times of entry and  
19 departure from each lock and from each structure. I  
20 should say I think in explanation of the remark to which  
21 you refer that in speaking of the speed through the  
22 system I was referring to the speed in the Seaway waters,  
23 as distinct from the inland lakes or open stretches of  
24 the river, including the Welland, where each ship must  
25 follow the one ahead. There is no passing feasible,  
26 nor allowed there, so that one ship can't go faster than  
27 the ship ahead, and if he does, he waits, so there is  
28 no particular incentive. It appears from observation  
29 that the ocean ships are more inclined to speed, shall  
30 we say, on the inter-stretches between the locks them-





1 selves than the inland ships are.

2 Q. I am instructed, sir, that quite often  
3 the inland vessels are being delayed, not the inland  
4 vessels, the ocean vessels are being delayed due to  
5 masters of inland vessels proceeding more cautiously,  
6 and that therefore they slow the speed on account of the  
7 fact that they have no pilots on board and they are not  
8 too sure of themselves.

9 Have you checked in order to find out as to  
10 whether or not this is the case?

11 A. We have the times of the ships, and as  
12 I say, the time of an ocean ship entering St. Lambert  
13 Lock until he leaves Iroquois Lock, taking that part of  
14 the system as a whole, tends to be shorter than the  
15 inland, and they pass in the open reaches.

16 Now, as to the other part of your question, as  
17 to whether there was evidence that the inland ships  
18 move slowly because the masters are unsure of themselves,  
19 I think that is completely erroneous, because these  
20 inland masters have spent their lives on the shipping  
21 industry, and are very competent, particularly with  
22 respect to the passage of locks. Most of them have made  
23 it their life work, and they are competent people.

24 Q. I don't doubt that they are competent.  
25 That was not the inference of my question, but would you  
26 think, sir, that normally the master of a ship, even if  
27 he is a competent man, would be as mentally alert as  
28 a pilot, if he has to take his ship from, say, the  
29 Welland Canal, and to be almost constantly up on the  
30 bridge until he gets to the St. Lambert Lock?







1           A.       We have seen no indication whatever that  
2 they are not alert and competent.

3           Q.       Is it not a fact, sir, that some degree  
4 of priority is given to large inland vessels on occasions  
5 in the Seaway?

6           A.       There is no priority as such on the  
7 Seaway. The only time that one vessel would proceed  
8 before another would be where the leading ship is a small  
9 one, and say the second, third, or fourth ship is also  
10 a small one, they can enter the lock with the first one.  
11 In that case they are brought forward and are locked  
12 together with the first one.

13                   There was a situation some few years ago, where  
14 there was congestion in the Welland area. At that time  
15 there was some priority of ships, but it was strictly  
16 based upon the trade in which the ship was engaged, not  
17 on whether it was inland or ocean, nor which flag it  
18 flew. It made no difference. If there was a ship  
19 engaged in what was considered to be a trade essential  
20 to the country it would be given preference over one  
21 which was not, but the factor as to whether it was  
22 inland, ocean, Canadian, American, or another other  
23 nationality, didn't enter into the question.

24                   There is no priority, nor is any favouring  
25 done to the inland ships with respect to ocean ships.  
26 There is one item that may pertain there, that at times  
27 may make it appear as if this was so, but it involves  
28 two things. One, the weather, in that the ocean ships  
29 may be inclined, or the master may consider it unsafe  
30 to have his ship proceed through the system under certain





1 wind conditions, whereas the inland ship, with its low  
2 structure and canaling experience is able to proceed,  
3 so it is not too unusual under those conditions for an  
4 inland ship to come in while an ocean ship remains at  
5 anchor, or even hides at the wall somewhere.

6 The second involves the matter of pilotage,  
7 in that there may be ocean ships awaiting pilots, and  
8 they are not considered as ready to canal until the  
9 pilots are actually aboard. Now, this applies specifi-  
10 cally to the Welland, where they do not indicate their  
11 readiness to proceed until the pilot is aboard, not due  
12 to our instructions, but because they are not permitted  
13 to come in until they are in fact ready to canal. They  
14 can't come into the harbour and then tie for any reason  
15 that becomes apparent after they come in. If they are  
16 not ready to canal they do not come in. In that case  
17 the ocean ships, sometimes three or four of them are  
18 lying at anchor, and are passed by inland ships. This  
19 may give rise to that impression of preference.

20 Q. Yesterday, sir, you filed some statistics  
21 on delays caused by lack of pilots. Have you got any  
22 such statistics of the delays caused by masters of  
23 inland vessels?

24 A. No, we do not. It is not a factor at  
25 the present time of any significance whatever. There was  
26 a time when the masters of all ships went ashore at the  
27 entrance ports to receive papers. They made out  
28 statistics for other reasons. They had to go into the  
29 administration building, and this gave rise to some  
30 delay due to the fact that the master might be there and







1 he might have some other business, telephone business,  
2 or otherwise.

3 This was a factor before the Seaway as such  
4 opened, but on the opening of the Seaway that method of  
5 clearance was done away with, and the masters stay aboard  
6 their ships in everything but very unusual circumstances,  
7 and we do not have the condition where a ship is waiting  
8 for the master, because if for any reason he is not there  
9 it is presumed that the second officer, the first mate,  
10 proceeds.

11 I have no knowledge of a ship being tied on  
12 account of the absence of the master, although sickness  
13 or some disability of an emergent nature may occur. For  
14 that reason we don't have this other problem to which  
15 you referred, because it is such minor and rare occasions.

16 Q. What about delays in the operation of  
17 the locks themselves? For example, you would have a  
18 case of a west-bound ship ready to be locked, but since  
19 the lock is open the other way and there is a ship due  
20 soon, instead of changing the locks, the west-bound ship  
21 will be asked to wait until the east-bound ship has been  
22 locked. Do you have such delays?

23 A. This situation arises, and it is dealt  
24 with in this manner, that if the master of the lock finds  
25 that he can produce more lockages, more effective  
26 lockages, in the twenty-four hours by holding his lock  
27 and waiting a short time until the opposing ship enters,  
28 he does so. It does not pay us in time to turn the lock  
29 as we call it, make a dummy lockage, without a ship in  
30 in order to avoid a few minutes wait on the part of the





1 up-bound ship to which you refer. This is not conducive  
2 to the processing of the maximum number of ships, so  
3 that it pays all concerned to hold the lock if necessary  
4 for this closely approaching ship, rather than to waste  
5 the time on a dummy lockage, because you would then have  
6 the reverse situation, where the down-bound ship and  
7 the following up-bound ship would in fact not pass as  
8 quickly as if you waited a few moments.

9 Q. But there are such delays. That is just  
10 what I wanted to know?

11 A. This occurs as an operating procedure  
12 in order to get the maximum production out of the lock.

13 Q. Are there also delays due to ships being  
14 wrongly ballasted? For example, a ship coming into the  
15 locks with a list on?

16 A. If I may explain for just a moment on  
17 the previous question. Those situations to which you  
18 refer, while you are waiting for the closely approaching  
19 up-bound ship, aren't listed as delays. That is an  
20 operating procedure, and they are not listed as a delay.  
21 They entail again the question of steady procedure in  
22 the locks system and when the lock is ready for the ship  
23 the ship should be there.

24 Now, with respect to ballasting, would you  
25 mind repeating that, please?

26 Q. I am just asking you if you have had  
27 delays due to ships being wrongly ballasted? You would  
28 have a ship, for example, coming in the lock with a list,  
29 and you would require that this list be corrected. Do  
30 you have delays of this nature?







1           A.       Those things do occur, and it is necessary  
2 to have the ship corrected, and correct her list. That  
3 is done, depending upon the seriousness of the list,  
4 the extent of it, and also the position of the ship when  
5 its listing is observed, and it may be necessary to take  
6 that ship carefully through the lock in which it is  
7 discovered to a tie-up place further along, where she  
8 can safely correct her list, because it would not be  
9 proper to leave her lying in the lock, nor to attempt  
10 to back her out under some hazard, particularly when she  
11 has a bad list. It would be dangerous to do so, but  
12 that I think is not listed as a delay unless it occurs  
13 in the lock itself.

14           Q.       Such a delay, how would it be listed in  
15 your statistics on delays? Would it be listed under  
16 the heading of vessels?

17           A.       It would be under the heading of vessels,  
18 if it was a significant delay in which we were not able  
19 to move the ship forward. If the forward progress of  
20 the ship was somewhat slower than if it were in the  
21 proper condition, that would not be listed as a delay.

22           Q.       In these statistics on delays, how do  
23 you calculate your delays? Do you calculate them from  
24 the time that the ship gets to the lay-by wall and is  
25 ready to be locked, or from the time she is actually in  
26 the lock?

27           A.       The delays are calculated from the time  
28 the delay begins, and if there is a ship in position to  
29 use the lock --- there are occasions where some repairs  
30 have to be done to machinery, that it is deliberately





1 done when there is no ship available, if those conditions  
2 pertain, but it is not often that they do. Generally  
3 there is a ship waiting, and that delay begins with the  
4 cessation of the forward move of that particular ship,  
5 and it extends until the system is returned to service.

6 Q. Now, sir, I understand that the pilots  
7 are required to hold a radio licence. Is that a require-  
8 ment with your Authority?

9 A. No. We do not administer the pilots.  
10 It would be under the Tele-communications Branch, I  
11 believe.

12 Q. Yes, I understand the licence is issued  
13 by the D.O.T. Radio Branch, but I mean, what I wanted to  
14 know is, does your Authority require pilots to obtain  
15 such a licence?

16 A. To the best of my knowledge we do not have  
17 any such regulation. The ship must be fitted with V.H.F.  
18 radio, and the licensing of the person who is going to  
19 manipulate or use it is not under our purview.

20  
21 CROSS-EXAMINATION BY MR. MASON:  
22

23 Q. Mr. Burnside, a moment ago you referred  
24 to one occasion on which priorities were granted to  
25 vessels carrying cargos which were deemed to be goods  
26 essential to the economy of the country.

27 Who determines what goods will fit in this  
28 category?

29 A. They were determined finally by the  
30 Authority, with consultation with the, I think in this







1 case the Minister of Transport and others, to determine  
2 what goods were in sufficient quantity to be effective,  
3 and were important to the economy of the country.

4  
5 CROSS-EXAMINATION BY MR. BRISSET:

6  
7 Q. Mr. Burnside, you have spoken of delays  
8 to a ship waiting at anchor for a pilot a few minutes ago.  
9 I presume this is not recorded in your statistics of  
10 delay when traffic is not locked in the Seaway?

11 A. It wouldn't appear in our statistics at  
12 all, unless the ship had cleared for entry, and was on  
13 route to entry, or had started her entry. This would be  
14 very rare. If the pilots are perhaps not available the  
15 ship waits at anchor wherever her station is until she is  
16 in fact equipped and fully ready. We do not signal. We  
17 don't ask the specific question whether she has a pilot  
18 aboard, anymore than we would ask whether she has fuel  
19 aboard. She is positioned and equipped to enter. If she  
20 is ready to proceed she advises our dispatcher, gives  
21 the name of the ship, where her position is, and the time  
22 is recorded and the ship declares itself ready to enter,  
23 and at that time the ship is advised either that it may  
24 come directly in on the signal lights or that it will  
25 follow another ship that is at anchor, or perhaps already  
26 proceeding in. That would not be regarded as a delay  
27 in our records, because the ship is not in fact within  
28 our limits at this time.





1 Q. Mr. Burnside, what about this instance,  
2 which I will explain to you: if a master of a ship,  
3 after having entered the system, wants to change pilots  
4 because he is not satisfied with his pilot and hopes to  
5 have another one, and has to tie-up waiting for the pilot,  
6 will you enter that in your records as statistics on  
7 delay in the system?

8 A. We would not, within our power, permit  
9 a delay of that character, within our system. If it is  
10 in the lakes, or a place where there is an anchorage, or  
11 where it might tie securely without a hazard to the rest  
12 of the ships, that would not be a delay to the system ---  
13 it would be a delay to the ship and wouldn't be so  
14 recorded, because the system itself, while it might be  
15 retarded due to the fact that this particular ship was  
16 not ready to take the lock that was waiting for it, it  
17 wouldn't be a delay because the following ship would  
18 proceed. It would only be in the case where an actual  
19 delay occurred. We would attempt to arrange for the  
20 master to take his ship to some convenient place where he  
21 would not in fact retard the movement of other vessels.

22 Q. In other words, you would permit the  
23 changeover only at the place where the traffic would not  
24 be blocked?

25 A. We wouldn't be involved in the changeover,  
26 as such. We would assume that the ship, as a unit, was  
27 free to proceed. If it were not able to proceed, the  
28 master should take adequate steps to see that it was  
29 ready. If a delay of that nature occurred, it would be  
30 a delay to the ship if it actually blocked the system.







1 We would attempt to avoid it if it could safely be done.

2 Q. Mr. Burnside, coming back to the Panama  
3 Canal regulations, are you aware that the Panama Canal  
4 Company accepts liability for injuries to vessels, cargo,  
5 crew and passengers when there is damage caused while  
6 under the control of Panama Canal employees?

7 A. I am advised that this is the case.

8 MR. BRISSET: I have here the Act and the  
9 regulations in this respect. I could file it.

10 THE CHAIRMAN: Are there any objections?

11 MR. LALONDE: No; on the contrary, my lord.

12 THE CHAIRMAN: You can file it then.

13 MR. LANGLOIS: What is the description of it?

14 MR. BRISSET: "Extract from the Panama Canal  
15 Regulations, Chapter 9, Accidents and Claims".

16 MR. LALONDE: Would my friend have the full  
17 regulations available?

18 MR. BRISSET: Yes --- not this morning.

19 MR. LALONDE: But would it be any trouble for  
20 my friend to file them in complete?

21 MR. BRISSET: No. That would be quite all  
22 right.

23 MR. LALONDE: If your lordship wishes ----

24 THE CHAIRMAN: Could you file the whole regu-  
25 lations rather than just an extract?

26 MR. BRISSET: Yes.

27 THE CHAIRMAN: You will file it?

28 MR. JACQUES: My lord, I beg to advise that the  
29 Commission has already requested the Panama Canal Company  
30 to supply the Commission with a copy of the Regulations





1 and Statutes. I do not know whether we have received it  
2 or not, though.

3 THE CHAIRMAN: I see.

4 MR. JACQUES: But it has been requested, sir.  
5 I have no objection to the filing of another copy.

6 THE CHAIRMAN: We will file Mr. Brisset's  
7 regulations in lieu of the extract. When we receive ours,  
8 we might return Mr. Brisset's regulations and file the  
9 one you have received.

10 --- EXHIBIT NO. 496: Panama Canal regulations re  
accidents and claims.

11 MR. JACQUES: Very well, my lord.

12 THE CHAIRMAN: So that they will be available  
for consultation here, if necessary.

13 Q. The position, Mr. Burnside, is just the  
14 opposite, I take it, in the St. Lawrence Seaway Authority;  
15 the Authority doesn't accept liability for damage to  
16 ships or damage done by ships?

17 A. That is right.

18 Q. Mr. Burnside, are you aware that the  
19 Shipping Federation, in its brief to this Commission, has  
20 recommended that the limits of the Montreal Harbour  
21 Pilotage District be extended to Sorel?

22 A. Not officially. I have heard rumours to  
23 that effect; but certainly not officially.

24 Q. You will understand, though, from this  
25 recommendation that if it is made effective the port  
26 pilot, the Montreal port pilot would proceed down to Sorel  
27 and be relieved there by the river pilot and in the case  
28 of an up-bound ship the port pilot would relieve the  
29 river pilot at Sorel? That is the purpose of the  
30 regulation? Now, keeping that in mind, would you agree







1 that if this recommendation was implemented, the risk of  
2 having the wrong pilot board at the Seaway entrance would  
3 be avoided because you would always have the port pilot?

4 A. It would be minimized, particularly with  
5 respect to down-bound. The up-bound situation, I think,  
6 would still pertain, to some extent, in that there would  
7 be any change of pilots required somewhere between Sorel  
8 and St. Lambert Lock, or that vicinity, and perhaps if  
9 that were done there might be an arrangement whereby the  
10 relieving pilot or the Seaway pilot, if we may use that  
11 term, would board the ship, say, down-bound or below ---  
12 downstream from the Longue Pointe anchorage, or some other  
13 suitable place, where a ship might tie if, in his judg-  
14 ment, he thought the ship was unsuitably ballasted, say,  
15 to proceed into the Seaway system.

16 Q. You have stated that one of the causes  
17 for this, for the wrong pilot being sent to the ship, is  
18 that at times there would be a change of orders. Are you  
19 aware that in the shipping business a change of orders  
20 of this nature are quite frequent?

21 A. Not of my own knowledge; but it is  
22 perhaps a common problem.

23 MR. BRISSET: Thank you.

24  
25 RE-DIRECT EXAMINATION BY MR. JACQUES:

26  
27 Q. Mr. Burnside, I believe that last week  
28 you were asked several questions by the Commission. I  
29 also believe that you have prepared the answers to those  
30 questions. Would you now state the questions for the





1 record, and also the answers which you have prepared.

2 A. I do not have the text of the questions,  
3 but the first one that I have recorded concerns the  
4 vessel "Andora," which was said to have been involved in  
5 an accident in the period 1958 - 1959 where it was  
6 aground in the Snell area.

7 I was also asked whether word was sent to the  
8 Marine Agent at Prescott. Our indications are that the  
9 accident with the "Andora" occurred in American waters on  
10 or about May 23rd, 1959. The "Andora" is said to have been  
11 proceeding down-bound, out of the Snell Lock, and went  
12 aground, which is downstream abouy number 17. This  
13 information was received by telephone from the St.  
14 Lawrence Seaway Development Corporation and our records  
15 are very limited, although our Central Division of the  
16 Seaway has a report on subsequent delays, which appears  
17 similar to that of the St. Lawrence Seaway Development  
18 Corporation.

19 Apparently there were several stoppages while  
20 attempting to free the "Andora" and Iroquois Lock has a  
21 note in their log book to the effect that the Eisenhower  
22 Lock had shut down at 10.00 a.m., June 5th, 1959, trying  
23 to free the "Andora." We have no information as to whether  
24 the Prescott Marine Agency was notified.

25 The next one concerns the "Salah Eldin," an  
26 Egyptian ship. Our records indicate that at 0028 hours  
27 --- that is twenty-eight minutes after midnight --- on  
28 May 13th, 1963, the pilot aboard the motor vessel "Salah  
29 Eldin" reported to the Beauharnois dispatcher, by radio  
30 telephone, that a seaman had fallen from the landing







1 boom when coming to the tie-up wall above the upper  
2 Beauharnois Lock. Navigation was stopped at 0030 hours  
3 and resumed at 0855 hours. No Seaway employee saw the  
4 accident. The captain of the Salah Eldin advised that a  
5 seaman, Mohamed Nahmoud Moustafa Refaei, a seaman, was  
6 lowered on a landing boom. He was not wearing a safety  
7 jacket, and the landing rope was not equipped with a  
8 supporting board but had three or four knots tied in it  
9 for hand grips. When the vessel was coming to the tie-up  
10 wall, it struck the wall and rebounded. The crew were  
11 instructed to bring the seaman back on board, but he lost  
12 his grip and fell into the water. Life-saver rings were  
13 thrown to him as he swam beside the ship, but he couldn't  
14 or didn't reach any of them and he disappeared. Other  
15 seamen were landed but no trace of him could be found.  
16 The body was recovered on June 1st, 1963.

17           The next item concerns the "Johanna," a German  
18 ship seaman injured at Beauharnois in 1963. Our records  
19 indicate that at 2322 hours on May 4th, 1963, the  
20 dispatcher at Beauharnois was advised by radio telephone  
21 that a seaman on the Beauharnois had been injured. The  
22 ship was down-bound at the upper approach wall of the  
23 upper Beauharnois Lock. No Seaway employee witnessed  
24 the accident. The captain of the "Johanna" advised that  
25 his ship was tied up at the upper approach waiting to  
26 entry the upper Beauharnois Lock. When the ship was  
27 ready to proceed, a seaman who was ashore cast her lines  
28 from the mooring ballards and was climbing back aboard  
29 over the vessel's side. The mooring line which was being  
30 retrieved at considerable momentum whipped around his leg,





1 After some difficulty in obtaining medical aid, the  
2 seaman, R. Glaser, was removed to the Valleyfield  
3 Hospital where it was found necessary to remove his leg.  
4 We do not know whether the boom was used to assist the  
5 seaman in boarding the ship.

6 Another item concerned the estimated cost of  
7 provision of linesmen and shelters.

8 The Shipping Federation representative stated  
9 that he had an estimate of \$600,000.00. I was also asked  
10 whether the estimate would reflect costs at the present  
11 time. This is under date of June 28th, 1963: Estimated  
12 annual cost to provide three shifts of two linesmen at  
13 thirty tie-up walls from Montreal to Lake Erie --- the  
14 total cost estimated to be \$1,270,000.00.

15 I should say, in some explanation of this, that  
16 the salaries have increased since the former estimate  
17 was made and that since there has been a change in the  
18 working time of the men involved, it has been necessary  
19 to now employ one full shift to arrange for time off for  
20 non-working illness and otherwise, of the three active  
21 shifts. So there would be, and are in our locks, four  
22 shifts of men in order to get three active shifts on the  
23 wall. This estimate includes items of percentages,  
24 paid vacation, paid statutory holidays, furlough leave,  
25 pension, health and welfare, unemployment insurance,  
26 Workmen's Compensation, other equipment, clothing, free  
27 over-time meals, etcetera.

28 There is some provision for shelters, for  
29 inter-communication, toilet facilities and lockers. This  
30 would be for complete coverage, presently estimated to be







1 \$1,270,000.00. That is the list of questions which I  
2 was asked.

3 Q. Thank you, sir. You mentioned to me that  
4 you would like to further explain the way in which  
5 Seaway notices, notices to shipping are circulated.  
6 Would you give me this explanation?

7 A. We have two types of communications to  
8 the shipping trade. That is, written. One being called  
9 the Seaway Notice, in order to distinguish it from the  
10 Department of Transport Notice to Mariners. This Seaway  
11 Notice is intended to cover things of a more permanent  
12 nature, and also covers any explanation that might be  
13 thought required with respect to changing procedures that  
14 would not be fully covered by the Master's Handbook.

15 The second type of written communication is  
16 our shipping notices and they are issued by the district  
17 offices to cover items of an emergent nature. Perhaps  
18 some explanation might be in order to show the procedure  
19 followed in the case of an emergency arising. Normally,  
20 we get the information by radio telephone from some  
21 specific vessel that has either observed something  
22 unusual or something has occurred with respect to the  
23 vessel, that it is important that the Seaway and the rest  
24 of the ships are familiar with it. Upon receipt of that  
25 information, the dispatcher immediately contacts the  
26 ships in that vicinity by radio telephone so that they  
27 are aware of some difficulties, say, that another ship  
28 is experiencing immediately ahead of them and this is  
29 followed by a report to the District Marine Agent at  
30 Prescott or Sorel, as the case may be. It may be thought





1 desirable to augment our radio facilities by the use of  
2 the Department of Transport Signals Service, in which case  
3 we would request and we would arrange to broadcast the  
4 information. Sometimes that is done on an hourly basis;  
5 sometimes so many hours in the twenty-four. Sometimes  
6 it is much more brief than that. But the Marine Agent  
7 contacts the larger radio telephone coverage and it is  
8 given coverage throughout. Having warned the immediate  
9 ships, a shipping notice is prepared in the district  
10 offices and copies of that notice are put aboard each  
11 ship as they present themselves at the covering locks,  
12 using the word "covering" to mean the locks on each side  
13 of the site of the incident, so that as the master  
14 proceeds, he is in possession of the notice. There is  
15 also an arrangement whereby information of a similar  
16 character arising from the district marine agent, say,  
17 at Prescott, who covers most of our area, may have similar  
18 notices written and prepared by him placed aboard the  
19 ships by our crews. The Department of Transport Notices  
20 to Mariners normally include our notices --- our Seaway  
21 notices in their next or following edition; so that  
22 there is fairly good coverage actually on a working basis,  
23 within the limits of the Seaway under an arrangement  
24 with all the various entities involved. The more emergent  
25 ones are not normally listed in the Department of  
26 Transport notices because by the passage of time they  
27 frequently no longer pertain.

28 Q. I thank you very much, sir. I also wish  
29 to thank you for supplying the Nautical Advisor to the  
30 Commission with a booklet entitled "Navigation of Tankers







1 Through Channels," which I believe is the latest and  
2 most complete information on squat; is that correct?

3 A. It is considered to be quite late. I  
4 should say, in commenting, that the squat there tends to  
5 be somewhat greater than our experience would indicate  
6 and I think that it must be taken under somewhat different  
7 conditions. I would say that if the maximum squat there,  
8 which I recall as being of the order of thirty inches,  
9 was in fact a working situation, we would have a contin-  
10 uous and probably unending series of groundings in our  
11 whole system which have not, in fact, occurred --- and  
12 we have up to the present time no record of grounding  
13 as such in the channel. We have had many first reports  
14 in the channel. It is a common thing for the master or  
15 the person making the report to claim that they are within  
16 the channel, but this up to the present time has been  
17 proven faulty and the sweeps indicate the clearance and  
18 the actual grounding has been shown to be outside the  
19 limits of the navigation channel, rather than within it.

20 MR. JACQUES: Thank you very much for your co-  
21 operation, sir, and for appearing before the Commission  
22 and for giving us so much of your time.

23 THE CHAIRMAN: I think somebody else will have  
24 some further questions.

25

26 CROSS-EXAMINATION BY MR. LALONDE:

27

28 Q. Just concerning the information given  
29 about the cost of linesmen and shelters, I understand  
30 there are some capital costs involved by construction of





1 shelters, I presume?

2 A. Yes. Those capital costs were distributed  
3 over a ten year period.

4 Q. When was the last estimate made --- two  
5 or three years ago --- that \$600,000.00?

6 A. We don't recognize the \$600,000.00  
7 actually as such. We do not have that record. I do  
8 recall that there were several estimates made on varying  
9 completeness of coverage and I would think that probably  
10 the \$600,000.00 was somewhat less than complete. We do  
11 not appear to have a record of the \$600,000.00 as such.  
12 I do recall many meetings where different items were  
13 discussed and perhaps what it would cost with one seaman  
14 here and there and at different places. But that is the  
15 information at the present time.

16 Q. And the estimate you have provided there  
17 is for the minimum service you can provide?

18 A. Two men constantly in attendance at 30  
19 stations.

20 Q. Is that on both sides of the lock, the  
21 lower and the upper?

22 A. That would be up and down at all the locks  
23 where it was necessary to be provided. That is where it  
24 was considered advisable to provide them. It would give  
25 full coverage and that is our present system.

26 MR. LALONDE: Thank you very much.

27 MR. BRISSET: I have no questions, my lord,  
28 but it might be appropriate for me at this time to give  
29 the citation of the case I referred to during my examin-  
30 ation of Mr. Burnside the other day. It is the "Carl







1 Jurius" and the "Taxiharis," reported in 1963, Volume 1,  
2 at page 104, Lloyd's Law List Reports.

3 THE CHAIRMAN: Would you file this exhibit, the  
4 volume you received with regard to squat, under the  
5 reserve of the remarks of the witness.

6 MR. JACQUES: I am sorry, sir, I didn't hear  
7 what you said.

8 THE CHAIRMAN: Would you file, as an exhibit,  
9 the volume received from Mr. Burnside with regard to squat?

10 MR. JACQUES: I have no objection. The thing  
11 is that nobody has read it so far. We have just received  
12 it this morning.

13 THE CHAIRMAN: Under the reserve remarks of  
14 Mr. Burnside, in that I think for information purposes  
15 it should be filed.

16 MR. JACQUES: Very well, sir. Can we have this  
17 copy? Can you spare it?

18 THE WITNESS: We will be glad to make it avail-  
19 able, yes.

20 MR. JACQUES: But do we have to return it to  
21 you?

22 THE WITNESS: I do not know whether it is  
23 in print or not. We have no objection to filing it.

24 MR. JACQUES: My lord, I should like to file  
25 this.

26 THE CHAIRMAN: That will be filed as exhibit  
27 497.

28 MR. JACQUES: It is a document entitled:  
29 "Proceedings of the Merchant Marine Council of The United  
30 States Coast Guard Volume 18, No. 9, September, 1961",





1 which contains an article on large ships effects in  
2 restricted channels, and this article is at page 168.  
3 They are in a bundle, my lord.

4 THE CHAIRMAN: Both exhibits?

5 MR. JACQUES: Yes.

6  
7 --- Exhibit No. 497: Document entitled  
8 "Navigation of Tankers  
9 Through Channels" and  
10 document entitled  
11 "Proceedings of the  
12 Merchant Marine Council  
13 of the United States  
14 Coast Guard".

15  
16 THE WITNESS: May I address a very brief remark  
17 to his lordship?

18 MR. JACQUES: With pleasure, sir.

19 THE WITNESS: These things that I have been  
20 attempting to indicate might, I am sure, be much clearer  
21 if the Commission could visit a portion of the Seaway,  
22 within the time limits at your disposal, and we would be  
23 very pleased indeed to have you go over the system, by  
24 ship or otherwise. I am sure it could be arranged that  
25 you could view the operation much more clearly than I  
26 have been able to explain. We would be very pleased if  
27 you would do that.

28 THE CHAIRMAN: Well, we thank you very much,  
29 Mr. Burnside, and we certainly intend to view part of the  
30 Seaway, especially a few locks, during our hearings. We  
don't know whether it will be during this session, but  
if not it will be in the fall session, September maybe,  
but we will contact you before that time, and thank you







1 very much for your invitation.

2 MR. JACQUES: The Harbour Master from Sorel,  
3 please.

4  
5 RENE THIBODEAU, sworn

6  
7 DIRECT EXAMINATION BY MR. JACQUES:

8  
9 Q. Would you give your name and age?

10 A. Rene Thibodeau, 64.

11 Q. What is your occupation?

12 A. Harbour Master at Sorel.

13 Q. Since when?

14 A. Since 1951.

15 Q. And before 1951 did you have a job which  
16 put you in contact with ships?

17 A. No. For your information, you know that  
18 Sorel is a public harbour, and the regulations in Sorel  
19 aren't the same as national ports. It is a part-time  
20 job, and requires --- in the first place there is no  
21 business office. It is only a question of surveillance  
22 for the good functioning of Sorel Harbour.

23 To answer your first question, before that I  
24 was in business.

25 Q. As Harbour Master do you control the  
26 movement of ships in the harbour?

27 A. Yes.

28 Q. In what way do you carry out this control?

29 A. By a regular visit done every day. I  
30 can see the movement of ships, and then I can call





1 attention through the signal office, because it is the  
2 only place where you have any inter-communication, in  
3 order to get in touch with the various networks. I can  
4 indicate the various places where they should go when  
5 they arrive. Wharf number 1, wharf number 2, etcetera.

6 Q. How many wharfs do you have?

7 A. Not many, and less, because there are  
8 places which have been ceded to companies, so you  
9 actually have two places which can be used for the  
10 harbour. These are the public wharfs.

11 Q. When you indicate to the ships the place  
12 where they should go, do you ask the advice of the pilots,  
13 if there are difficulties, of course?

14 A. No. The pilots ---- we are not often in  
15 contact with the pilots. I see them once in a while for  
16 business. In Sorel as an average we have sort of  
17 shipping agents in charge of paying all the expenses of  
18 the ships coming in our harbour, and orders are given to  
19 these persons through the signals and they tell the  
20 pilots to go to such and such a place. We have nothing  
21 to do directly with the pilots.

22 Q. Can you control the hours, or the time  
23 at which ships leave the wharf?

24 A. No.

25 Q. Do you control the draught of the ships  
26 using the Sorel Harbour?

27 A. No. That is, once in a while the agent  
28 or the pilot asks us if a ship has 32 or 33 feet, if he  
29 can anchor at such and such a place, because this is for  
30 their own protection. They know the depth of the waters.







1 Q. But when you are asked these questions  
2 concerning the depth of the water available at a wharf,  
3 where do you obtain this information?

4 A. Well, I have a chart which gives me the  
5 depth of the water for the Sorel wharfs. It is a chart  
6 which is corrected every three or four years, because of  
7 the dredging which is done. There was one last year. It  
8 is the Department of Transport. It is similar to those  
9 which appear on the table.

10 Q. Do you control the speed, or the velocity,  
11 of ships in the harbour?

12 A. There is no possibility in my own mind of  
13 controlling that, unless you had a person just in charge  
14 of doing that. Besides being Harbour Master, I have a  
15 ship myself, and I sail and fish and hunt, and I am always  
16 watching the ships going through the channel and starting  
17 at sundown the ships going up, I notice that there is a  
18 slowing down, which can be seen with the naked eye. I  
19 can't tell you the exact speed. How can you do that?

20 Q. So you sort of watch the speed, but do  
21 you, for instance, complain if you think the ships are  
22 going too fast?

23 A. No, I have never made any complaint, I  
24 am going to explain why. It is part of your former  
25 question. I notice that captains and pilots are very  
26 reasonable because before ships were going through very  
27 fast. It might happen during the night, but I don't  
28 know anything about it.

29 Q. Do the ships have to use tugs in Sorel  
30 to dock?





1 A. No.

2 Q. Do you have tugs?

3 A. Yes, we have tugs. Where the ships dock  
4 are such easy places that they don't need tugs.

5 Q. Do you sometimes ask the pilots, or the  
6 ship owners, for security reasons in case of bad weather  
7 to watch over the ships, to have security watches as we  
8 say in English?

9 A. No, this has never been done.

10 Q. You have been asked to prepare a list of  
11 damage to harbour installations caused by ships in the  
12 last five years, indicating the cause of the accident,  
13 the date, time, and estimation of the damage? Did you  
14 prepare this information?

15 A. This is information which, as I told you  
16 before, the Harbour Master in Sorel has no office, no  
17 staff, and no regulations concerning that. The Harbour  
18 Master doesn't have anything to do with that. I am not  
19 in charge of assessing the amounts of damage in an  
20 accident, or giving the date, or anything like that. I  
21 have known some small incidents which can happen any time,  
22 even to a pleasure boat, but I don't remember any  
23 significant accident in the Harbour of Sorel.

24 Q. Have you had the opportunity of partici-  
25 pating in inquiries on maritime accidents in the Harbour  
26 of Sorel?

27 A. No. Once last year, on the request of  
28 a company, they asked me something about the speed of  
29 ships. A ship was supposed to have gone at very high  
30 speed through the harbour, but it was not in my field of







1 competence so I didn't do it.

2 Q. Have you been called as a witness in  
3 anything concerning a maritime casualty?

4 A. No.

5

6 CROSS-EXAMINATION BY MR. LALONDE:

7

8 Q. Can you tell us, Mr. Thibodeau, to what  
9 depth a ship can load near the elevator?

10 A. 32 feet. This is what is indicated in  
11 the chart.

12 Q. Do you really have 32 feet at that place?

13 A. A little more or less, but at the normal  
14 level it is 32 feet.

15 Q. Could you indicate on the chart filed as  
16 exhibit number 448 the point up to which the ocean ships,  
17 or Great Lakers can go into the Harbour of Sorel? Will  
18 you indicate this with red pencil?

19 A. Do you mean pier number 1?

20 Q. Up to where ocean ships or Great Lake  
21 vessels can go?

22 A. Everything is limited by the grain  
23 elevator. These go up to the limit of the grain elevator  
24 which is indicated by a line.

25 Q. Don't you have ships which go up the  
26 Richelieu to a certain distance?

27 A. A ship might have to go to Marine Indus-  
28 tries, and we need tugs to tow them up. The depth of  
29 the water in the Richelieu is at the maximum 22 or 24  
30 feet.





1 Q. Well, you have ships who have to go to  
2 Marine Industries for repairs, and which use this portion  
3 once in a while?

4 A. About once a year, because repairs are  
5 done at pier number 1, or at pier number 2, and if there  
6 is a major repair to be done, the change of a propeller  
7 or something of that nature, we take it to Marine  
8 Industries.

9 Q. Do you have also tankers which go higher  
10 than the grain elevator?

11 A. Up to Longueil you have small scows.  
12 Even barges don't go there.

13 Q. Could you indicate on the chart the  
14 highest place on the Richelieu to which ships can go,  
15 even if it is once a year in the case of a ship going to  
16 Marine Industries?

17 A. For your information, the ships of the  
18 Canada Steamship Line go there during the winter. That  
19 is where they spend the winter.

20 Q. Can you indicate where the Canadian  
21 Pacific Steamship Line go?

22 A. It would be around here, between the two  
23 bridges.

24 Q. Would you put a red mark on it, and with  
25 an X put the maximum place where they can go?  
26 (The witness complies).

27 A. Very well.

28 Q. Please put an X?

29 A. Well, here everything is limited by the  
30 grain elevator.







1 Q. Would you indicate by the letter A the  
2 grain elevator? (The witness complies).

3 A. This is pier number 2. There you have  
4 30 feet, which was done last year, and of course, this  
5 varies because of the earth which has moved.

6 Q. Do the ships go higher than pier number  
7 2? Would you indicate with the letter B? (The witness  
8 complies).

9 A. This would be around here. This other  
10 place here has been rented to a company.

11 Q. Does this company have ships going to it?

12 A. Yes.

13 Q. Would you indicate by the letter C this  
14 place which is rented to a company? (The witness complies).

15 A. Here is the Richelieu. Marine Industries  
16 are located here.

17 Q. And the harbour confines are indicated  
18 on this chart for Sorel. Would you indicate them by the  
19 letters D and E? (The witness complies).

20 A. More or less around here, point D, then  
21 Ste. Anne.

22 Q. And where it ends would you please put  
23 the letter E? (The witness complies).

24 Do you give instructions to ships to the effect  
25 that certain ships should enter the piers in a certain  
26 direction, the bows first, or something like that?

27 A. No, this is the pilot who decides that,  
28 because he knows on account of the winds if he should go  
29 in head first or back into it. I have no discussion on  
30 that matter with them.





1 MR. LALONDE: Thank you very much.

2  
3 CROSS-EXAMINATION BY MR. LANGLOIS:

4  
5 Q. Mr. Thibodeau, do you receive a report  
6 of all accidents which take place in the Harbour of Sorel?

7 A. No.

8 Q. Did you get a report on the accident  
9 which took place about a month and a half ago when the  
10 John McKay tug sunk in the harbour?

11 A. Yes, I heard about it through the local  
12 newspaper and the radio station.

13 Q. I have been informed that this accident  
14 was caused by the fact that work was being done to the  
15 pillars to the railroad bridge under the water, the work  
16 done under the water, of course, and I would like to know  
17 if any public notice was given when the work started?

18 A. I can't give you any information concern-  
19 ing this matter. I heard about the accident like most  
20 people have, and I don't even know how the accident took  
21 place. I just heard about it as the public heard about  
22 it.

23 Q. Putting aside the accident itself, when  
24 this work was done to the railroad bridge, was a notice  
25 to seamen published to this effect?

26 A. No, I don't know.

27 Q. Do you know, Mr. Thibodeau, that ships  
28 loading at the grain elevator, when the loading is  
29 finished, do they touch the bottom?

30 A. Yes, it has happened a few times. We







1 told the authorities of the elevator to be careful,  
2 because with the best intentions in the world, you know  
3 that the bottom of a river isn't very level, and you  
4 might have bumps. So I think a ship might have loaded  
5 at 32 feet, and then when she decides to leave it was  
6 held, not too much. You could see that there was a lot  
7 of mud being brought up, but nevertheless the ship was  
8 able to leave.

9 Q. Do you receive reports on the drafts of  
10 the ships which load at that place?

11 A. No. We verify ourselves. If for instan-  
12 ce a cargo seems to be quite a large one, with a  
13 draught of say 35 feet, well then, we advise them. As  
14 a matter of fact, Captain Charbonneau was in charge of  
15 loading ships in Sorel. This is not in my field. This  
16 is within his jurisdiction, to watch the draughts and  
17 the loading.

18 Q. Is this captain also the Port Warden in  
19 Sorel?

20 A. Yes, he is the Port Warden, and he is  
21 responsible for the loading of vessels in the Harbour of  
22 Sorel.

23 Q. Do you have vessels with a draught over  
24 34 feet loaded at the grain elevator?

25 A. I don't think so, because the Richelieu  
26 River at this place has the reputation of having 30  
27 and 32 feet, but 32 is quite doubtful, except if it would  
28 be in the spring, when the level of the water is higher,  
29 or except if the vessel touches the bottom when she is  
30 being loaded. Well, to my knowledge it happened twice,





1 and I told them, I warned them. They loaded at 32 feet.  
2 They have touched the bottom, but as this is mud it is  
3 not dangerous.

4 THE CHAIRMAN: Can you tell me who appoints you  
5 Harbour Master?

6 THE WITNESS: By the book of regulations which  
7 has been given to me by the Department of Transport.

8 THE CHAIRMAN: Therefore you are appointed by  
9 the Department of Transport?

10 THE WITNESS: Yes, and the regulations. My  
11 work is to collect from ships when they enter the harbour,  
12 to see that everything goes smoothly within the harbour,  
13 and also to see if some repairs are necessary during the  
14 year for maintenance and good functioning of the harbour.

15 THE CHAIRMAN: Do you know under which Act your  
16 nomination has been made?

17 THE WITNESS: I have the book here.

18 MR. JACQUES: The Canada Shipping Act.

19 THE CHAIRMAN: Because we have had one case  
20 which was not under The Canada Shipping Act, and that is  
21 why I want that information.

22 When you tell someone what the depth of the  
23 water is in the harbour, do you take into account the  
24 daily level?

25 THE WITNESS: Yes.

26 THE CHAIRMAN: Who informs you about the daily  
27 level of the water?

28 THE WITNESS: Well, the gauge is there, and the  
29 Department of Transport, if we have doubts, can give us  
30 more information too. In our harbour, with the exception







1 of a few dry seasons like the one we just went through,  
2 when the level was low, usually the level is over the  
3 gauge. So even during the fall there is a margin of 6  
4 feet.

5 THE CHAIRMAN: You were talking about the speed.  
6 To your knowledge the ships weren't going at an excessive  
7 speed on the harbour of Sorel, and you said later on that  
8 you were asked to conduct a survey about certain damages  
9 caused by a ship?

10 THE WITNESS: Well, I hope you will understand  
11 me that there is no way of seeing a ship going through  
12 the harbour and knowing what the speed is, but this is  
13 my function, because people were complaining that ships  
14 that are tied up, just being moved around and pushed,  
15 and I kept a watch of this, and to be reasonable I must  
16 say that large liners, like the "Homerick", decrease their  
17 speed by half going through the harbour. I can see that  
18 they almost stop going through the limits, and when they  
19 get through the limits then they put on more speed.

20 As far as the cargos which are being loaded,  
21 it is more difficult, because they never go fast, even  
22 at full speed they don't go fast.

23 To come back to your second question, if you  
24 will permit me, this was on old ship, the "Walton", which  
25 was docked in Sorel because of the strike. It was here  
26 since last September and at spring, in April, the ship  
27 was still there. If an ocean liner had gone at full  
28 speed it would have hit the cables of the "Walton".  
29 This is when I was asked for information, and the answer  
30 I gave to this was that the "Walton" was tied at the pier





1 at low tide. At the time when the accident happened ---  
2 it is not an accident. It is the cables that broke with  
3 the higher water of the spring. The cables became loose,  
4 and this is probably the real reason for the breaking of  
5 these cables, if you can call that damage. The ship that  
6 caused it was the "Camillia". This was a passenger ship.  
7 I don't know what the speed was. I think the real  
8 reason for the damage was the one I told you before. It  
9 was tied to the pier at low water and there was no  
10 watchman, and the ship was a victim of the wind.

11 THE CHAIRMAN: Did this ship touch the bottom?

12 THE WITNESS: No, this ship is now being  
13 scrapped.

14 Q. Don't you have any trials of ships in  
15 front of the Harbour of Sorel, coming from Marine  
16 Industries? Are there ships that have been repaired by  
17 Marine Industries or new ships that have been built?

18 A. Yes, this can happen. Let us say Marine  
19 Industries can build a ship, and after it has been built  
20 trials are conducted in the St. Lawrence.

21 Q. Isn't there a place just in front of  
22 Sorel that is a distance of about one mile and a half,  
23 especially for trials of ships?

24 A. No. There is a place to anchor the  
25 dynamite ships.

26 Q. Isn't there a trial mile which is being  
27 used to find the speed of the vessel when trials are  
28 being made?

29 A. Not that I know of. It is possible that  
30 the Marine Industries Company has established marks to







1 trial those ships, but I am not aware of it.

2 MR. LANGLOIS: Thank you.

3 MR. JACQUES: Now, do you give clearances to  
4 vessels?

5 THE WITNESS: This is being done by the Customs.

6 Q. But you do not give any?

7 A. No. According to the regulations which  
8 have been given to me, in order for a ship to receive  
9 his clearance, he must pay the harbour fees and then he  
10 must report to the Customs.

11 THE CHAIRMAN: So you do not give a clearance  
12 to a ship and there is no one to verify the draught of  
13 the ship and to see if the draught is too high for the  
14 St. Lawrence, if it is above 35 feet, for instance?

15 THE WITNESS: With the new ships which are  
16 being built, I must admit that, to my great surprise,  
17 I see bigger and bigger ships; but when those ships come  
18 to the harbour, Captain Charbonneau was in charge of the  
19 loading. He is the Port Warden.

20 THE CHAIRMAN: So, you do not have anything to  
21 do with the trade?

22 THE WITNESS: No. If there is any accidents  
23 because it was not loaded properly, this is his respon-  
24 sibility.

25 MR. JACQUES: Thank you, sir.

26 THE CHAIRMAN: We shall now recess for a few  
27 minutes.

28

29 --- Recess.

30





1 MR. JACQUES: Before proceeding, I should like  
2 to make a few comments on harbour masters and port  
3 wardens.

4 My understanding is that in Canada there are  
5 harbours under the National Harbours Board. Quebec,  
6 Three Rivers, Port Alfred, Montreal, Vancouver, Halifax,  
7 Churchill and Saint John, New Brunswick --- they are  
8 governed by a separate statute. The harbour masters of  
9 those harbours are appointed by the National Harbours  
10 Board. That Board has its own regulations and those  
11 regulations have been filed already.

12 Apart from those harbours, there are public  
13 harbours governed by the Canada Shipping Act and the  
14 harbour masters of the public harbours are appointed  
15 under the Canada Shipping Act, sections 600 and following,  
16 and yet there is another class of harbour --- Commission  
17 Harbours --- governed by a separate statute. They  
18 appoint their own harbour masters also. Toronto and  
19 Hamilton, I think, are examples. There are private  
20 harbours and they are strictly a private concern.

21 Now, as regards port wardens, all port wardens  
22 in Canada, in all parts, are appointed under the Canada  
23 Shipping Act, section 614 and following, except in two  
24 places, in Quebec and Montreal, where they are appointed  
25 under Chapter 45, Victoria and amendment. There is one  
26 amendment to that statute. The duties of the port  
27 warden are laid down in the Canada Shipping Act and they  
28 concern mostly timber deck cargo and concentrates and  
29 grain. These port wardens have no authority to control  
30 under keel clearances. The only place in Canada where







1 such control exists is in Montreal. In Quebec City, in  
2 Quebec Harbour, I am instructed that the regulations are  
3 slightly different from those which apply here in Montreal.

4 These regulations will be filed before the  
5 Commission, when we sit in Quebec. I thought I would  
6 clear up these matters, my lord.

7 THE CHAIRMAN: That is very good.

8 MR. JACQUES: Now, I have been supplied with  
9 a true copy of the clearance issued by the Port Warden's  
10 Office for the "Timna," August 17th, 1963, and it might be  
11 filed as exhibit number ----

12 THE SECRETARY: 498.

13  
14 --- Exhibit No. 498: True copy of clearance  
15 issued by the Port  
16 Warden's Office for the  
"Timna," August 17th, 1963.

17  
18 MR. JACQUES: It does not mention the draught  
19 at which the vessel left Montreal. It merely states that  
20 the vessel has been surveyed and the master has duly  
21 conformed to the by-laws regulating the loading of  
22 vessels insofar as the cargo now on board is concerned.

23 MR. LANGLOIS: My lord, I would like to make a  
24 slight correction to this statement just made by my  
25 learned friend, in order to straighten the record. There  
26 are eight national harbours in Canada and one of them  
27 was omitted in the list given by my learned friend,  
28 which was Port Chicoutimi.

29 MR. JACQUES: I replaced it by Port Alfred.

30 MR. LANGLOIS: In regard to this exhibit 498,





1 I wish to draw your lordship's attention to the fact that  
2 yesterday in the evidence given by the Port Warden of  
3 Montreal, the date of the sailing of the ship was mentioned  
4 as being August 18th, while the clearance is dated  
5 August 17th. It would show that the clearance was  
6 issued one day prior to the departure of the vessel and  
7 in this respect I do hope that the deputy, Mr. McCormick,  
8 if I remember correctly, will be called as a witness to  
9 give us the exact time and date that he made his inspec-  
10 tion of the vessel before issuing the clearance.

11 THE CHAIRMAN: I would ask the Commission  
12 Counsel to take note of that and to see that this witness  
13 is called.

14 MR. JACQUES: The witness is available, my lord.  
15 Would you take the stand, please?

16 THE CHAIRMAN: Yes, Mr. Brisset ---?

17 MR. BRISSET: Since the witness is available,  
18 I think the point I wanted to make will be covered in the  
19 evidence.

20

21 JOHN McCORMICK, sworn

22

23 DIRECT EXAMINATION BY MR. LANGLOIS:

24

25 Q. How long have you been deputy port warden  
26 at Montreal?

27 A. I have completed eight years, starting in  
28 my ninth year.

29 Q. I beg your pardon?

30 A. I have completed eight years as deputy







1 port warden. I am now starting my ninth year.

2 Q. Now, I have here a copy of the clearance  
3 issued under your signature under date of August 17th,  
4 1963, in connection with the motor vessel "Timna."

5 A. Yes.

6 Q. Would you mind telling the Commission the  
7 time and date at which you carried out your survey of  
8 the vessel for the purpose of issuing this clearance?

9 A. The Timna completed loading at 9.30 p.m.  
10 on the 17th and that is when the clearance was issued;  
11 but the vessel did not sail until 6.30 a.m. on the  
12 morning of the 18th.

13 Q. Now, did you yourself survey or go on  
14 board the vessel?

15 A. I am not too sure whether I surveyed the  
16 vessel or not, for the simple reason that the ship was  
17 obviously five or six feet light leaving Montreal. I may  
18 have but I am not quite sure.

19 Q. You said that the ship was five or six  
20 feet light when it left Montreal but you did not see her  
21 leave?

22 A. That was discovered in the morning. I  
23 made a visit to her in the morning and it was discovered  
24 that the ship would be obviously five or six feet light,  
25 with the results that it wasn't necessary, in my opinion,  
26 to go down and finally check on her, seeing that she was  
27 going to Three Rivers to complete loading.

28 Q. To make the statement, did you base  
29 yourself on the information supplied by the master of the  
30 vessel or the agent of the vessel?





1 A. The master, together with the stevedores.

2 Q. How often do you rely exclusively on  
3 information provided by the agent of the vessel or the  
4 master before issuing clearances?

5 A. Only on ships that are leaving Montreal  
6 light to go to other ports, not ships that are going to  
7 finally complete loading in Montreal. But only

8 Q. But this happens often enough?

9 A. Oh, well, I do not have a count of the  
10 number of times, but I would say not too often. We don't  
11 check up on all ships.

12 Q. In connection with the ships taking full  
13 cargo in Montreal, do you check yourself the draught  
14 immediately before a ship sails?

15 A. We do.

16 Q. Do you check this draught after all  
17 bunkers have been taken on board, including fresh water  
18 supplies?

19 A. We do.

20 Q. Do you read yourself the draught or do  
21 you take it from the chief officer or other member of the  
22 staff of the vessel?

23 A. Speaking for myself, I do read the  
24 draught myself. I do not know what Captain Kerr, the  
25 other port warden, does or Captain Murray; but speaking  
26 for myself I do.

27 Q. In each case you do?

28 A. In each case, I do. A ship that is going  
29 to be fully loaded, or thereabouts, a ship that is going  
30 to be loaded where the critical degree of water underneath







1 the keel leaving, will come into the picture.

2 Q. Do you find occasions where it is im-  
3 possible for you to read the draught marks because they  
4 are either covered by mud or moss and impossible to read?

5 A. Very seldom, yes.

6 Q. When this does happen, what information  
7 do you base yourself on to determine the clearance?

8 A. Usually the figures, the feet are cut in  
9 on the stem and stern of a vessel and then they are  
10 painted over. Sometimes this paint is worn off and it is  
11 not possible to see the draught. But by going down the  
12 ladder over the ship's quarter, or over the bow, it is  
13 possible to see the marks where the figures are cut in.

14 Q. For a ship that would complete loading  
15 during the night, you mean that you would leave your  
16 office or your home and come to the ship to read the  
17 draught marks?

18 A. Yes.

19 Q. On all occasions?

20 A. On all occasions.

21 MR. LANGLOIS: Thank you.

22 MR. BRISSET: The question has been cleared up,  
23 my lord, thank you.

24 MR. JACQUES: Thank you, sir.

25 -----

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LORENZO ST. PIERRE, sworn

DIRECT EXAMINATION BY MR. JACQUES:

Q. Your name and age, please?

A. Lorenzo St. Pierre.

Q. And your age?

A. 64 years old.

Q. Your occupation?

A. Employee of the National Harbour Board, since 34 years and Director of the Three Rivers Harbour for 6 years.

Q. Would you please describe briefly the limits of the Three Rivers Harbour?

A. Well, it is about eight miles, which covers to the extent of the harbour. I have here a copy of an Order-in-Council, July 13th, 1938, and if you think that this could be of any help to you, it indicates the limits of the harbour on the east side as well as the west side.

MR. JACQUES: I would like to deposit this Order-in-Council as exhibit 499.

---	Exhibit No. 499:	Order-in-Council dated July 13th, 1938.
-----	------------------	---

MR. JACQUES: There is no reference number. July 13th, 1938 is the only date which is mentioned on that document.







1 Q. Mr. St. Pierre, I show you the chart  
2 which has been deposited as exhibit 446, which includes  
3 the Harbour of Three Rivers. This chart indicates the  
4 western and eastern limits of the harbour. Can you tell  
5 me if these limits are exact?

6 A. Yes. This is correct, those limits  
7 indicated on the chart.

8 Q. Now, can you tell the Commission if in  
9 the Harbour of Three Rivers there is any silting or  
10 sedimentation?

11 A. This is possible. I do not know if I  
12 will answer your question. The sweeping of the piers  
13 is being made once a year.

14 Q. What do you mean by "sweeping"? The  
15 sweeping of the pier?

16 A. Yes. This is to find the depth of the  
17 water at the pier. They are dredged at 30 feet by the  
18 Department of Transport. It is always at zero.

19 Q. What do you mean by zero?

20 A. The level of water.

21 Q. Do you know which level?

22 A. The water level might vary within one or  
23 two feet in the harbour.

24 Q. It is the height of the tide in your  
25 harbour? Sweeping takes place once a year. When?

26 A. During the month of May.

27 Q. Who is doing that?

28 A. The Department of Transport. They are  
29 organized to do that kind of sweeping, and they show us  
30 on the chart where sweeping has been done.





ench 1 Q. So you are given a chart giving the  
2 results of the sweeping?

3 A. If you come here I can show you the  
4 chart I received in 1963 after the sweeping was done.

5 Q. And this gives you an indication whether  
6 the depth is the one that should be there? Now, does this  
7 chart also indicate the actual depth? Are you given  
8 soundings?

9 A. Yes.

10 Q. And who decides if dredging should be  
11 made?

12 A. If there is a need for dredging, I make  
13 a claim to the Head Office which transmits it to the  
14 engineers and after that I am authorized to ask for  
15 dredging.

16 Q. When did you do any dredging for the  
17 last time?

18 A. The last time was in 1961 -- in November  
19 of 1961.

20 Q. Was this maintenance dredging?

21 A. Maintenance dredging, yes -- only the  
22 basin.

23 Q. Only the basin? Now, before that,  
24 was any dredging made in other parts of the harbour?

25 A. Several years ago.

26 Q. Can you tell me how many times you have  
27 had to do some maintenance dredging?

28 A. Well, by the piers, let us say, every  
29 four years. In the basin almost every three years,  
30 because the basin is filled more often.







rench 1 Q. And the piers are filled with  
2 how many feet?  
3 A. It is dredged to thirty feet.  
4 Q. Yes. But where the bottom comes up  
5 because of sedimentation or silting, what is the  
6 increase?  
7 A. This is difficult to say.  
8 Q. Do you remember approximately?  
9 A. This is difficult to say. I cannot  
10 give you an exact answer.  
11 Q. Would it be ten feet?  
12 A. No, not ten feet.  
13 Q. Less than five feet?  
14 A. Yes -- from one to three feet.  
15 Q. No more than three feet?  
16 A. No, no more than three feet. On the  
17 side of the piers we dredge every four years.  
18 Q. In the basin?  
19 A. Every three years.  
20 Q. In the basin, what is the thickness of  
21 sedimentation which takes place?  
22 A. In 1961, we did take away 21,450 cubic  
23 yards.  
24 Q. How many inches in the bottom of the  
25 water does this represent?  
26 A. I can't answer this question.  
27 Q. Could you deposit as an exhibit later  
28 on copies of the chart indicating the depth of the water,  
29 the last ones, for 1962, and also those of the previous  
30 four years?





French 1

A. Yes. I can do this.

2

Q. Charts indicating the depth of the

3

water available in the harbour three years after annual

4

sweeping. Now, this sedimentation takes place at

5

which place exactly? You talked about the piers and the

6

basin. Now, can you on the chart which is in front of

7

you indicate -- I have brought a copy of the chart of

8

the harbour at Three Rivers, if this could be helpful

9

to you?

10

A. Yes, certainly.

11

Q. Now, this is a chart which is exact?

12

A. Yes. It was revised in October, 1962.

13

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French 1

MR. JACQUES: Now you will produce

2 this chart No. 561, the chart of the harbour of Three  
3 Rivers.

4

5

---EXHIBIT NO. 501: Chart No. 561, Harbour of  
Three Rivers.

6

7

Q. Could you indicate with a green pencil  
the places where silting or sedimentation takes place?

8

(Witness complies)

9

10

A. Now, this is by the piers, so you have  
the channel which is not very far from the piers. You  
know, when the propellor is turning the ship causes the  
sand to move.

11

12

13

14

Q. Where does this sand go? Could you  
show this with a green line on Exhibit 501?

15

(Witness complies)

16

17

Q. The sedimentation takes place to what  
distance from the pier?

18

19

A. Very close to the pier, let us say  
five feet from the pier.

20

21

Q. Would this be an average or a maximum?

22

A. An average.

23

24

Q. In the basin, could you show with a  
green line also on Exhibit 501 the place where sedimen-  
tation takes place?

25

(Witness complies)

26

27

A. In Section 15 there is no sedimentation.  
You can't dock an ocean vessel.

28

29

Q. Is there no sedimentation or is it  
that you do not do dredging?

30





French 1 A. Well, when we dredge we dredge Section  
2 15 at the same time.

3 Q. In the basin, how far from the wall  
4 of the pier does sedimentation take place?

5 A. In Section 16 at least ten feet from  
6 the pier, and in Section 14 there is no more than five  
7 feet.

8 Q. Could you tell the Commission what kind  
9 of sedimentation is taking place? Is it coming from  
10 the sewers, or from sand, or from what have you?

11 A. No. When a ship enters the basin she  
12 must go to anchor because we have no tugs, and the front  
13 of the ship is in the basin. The stern is not. So  
14 when he is weighing anchor this moves the sand, and this  
15 is what causes the sedimentation.

16 Q. To the best of your knowledge have  
17 some ships touched the bottom in the basin, or by the  
18 piers?

19 A. No, sir.

20 Q. None have?

21 A. No, sir.

22 Q. Did you do, or did you get someone to  
23 do for you, some surveys on the clearance in Three  
24 Rivers?

25 A. Not by the National Harbours Board.  
26 Some might have been made, but not by the National  
27 Harbours Board.

28 Q. Are you aware of such surveys?

29 A. No, sir.

30 Q. Now, the depth of water which is







French 1 indicated by the Department of Transport, do you transmit  
2 this information to the shipowners and pilots?

3 A. Yes.

4 Q. How do you do it?

5 A. They ask me for a chart of the sweeping  
6 which took place, and I send them a copy.

7 Q. You do this only on request?

8 A. Yes.

9 Q. You have no established system?

10 A. No. The shipowner is interested to  
11 know the depth of the water which we have at our piers.

12 Q. Do you control the movement of ships  
13 within the limits of the harbour where they will anchor,  
14 where they will unload their cargo, and so forth?

15 A. Well, the way we do it in our harbour  
16 the shipowner makes a reservation for a ship coming  
17 into Three Rivers.

18 Q. What kind of reservation?

19 A. That a ship is coming in, and the time  
20 and date, and we reply with the pier number.

21 Q. Is this the only control you exercise?

22 A. Yes.

23 Q. Do you sometimes have to send some  
24 ships to anchor?

25 A. Yes, it has taken place, especially  
26 during fall and spring when we have a congestion of  
27 traffic, and sometimes we have to send ships to anchor,  
28 but the place where they are going to anchor is chosen  
29 by the Department of Transport. We just tell the ships  
30 to go to that given place, which has been selected by





French 1 the Department of Transport.

2 Q. I think you said that there were no  
3 tugs.

4 A. No, we have no tugs.

5 Q. Do you use a radiotelephone to com-  
6 municate with ships?

7 A. Under certain circumstances, yes, but  
8 not very often. We have a radiotelephone at Cap de la  
9 Madeleine. Last Friday I received a cable saying a  
10 ship was leaving Sorel with dynamite on board, which  
11 was something dangerous, so I got a telegram on this  
12 matter, and I communicated by radiotelephone to advise  
13 all ships in the St. Lawrence, and also the persons who  
14 do the crossing of the harbour of Three Rivers. This  
15 is the only time I use a telephone, really.

16 Q. Do you have a harbour master?

17 A. I am the harbour master.

18 Q. Do you have a list of accidents which  
19 will show damage done to harbour installations in the  
20 last five years?

21 A. I don't think we have had any accidents  
22 to our harbour installations in the past five years.

23 Q. But before that, do you remember any  
24 damage to harbour installations?

25 A. No, I can't remember any serious acci-  
26 dents.

27 Q. Now, do you control the hours of the  
28 passage of ships?

29 A. Yes, sir.

30 Q. How do you do that?







rench 1                   A.       We have a man who goes on the piers  
2       every morning, and checks with the signal office.   We  
3       have charges to make.   There are duties to be paid by  
4       ships who are at the piers.

5                   Q.       Now, do you specify the time at which  
6       ships will be allowed to depart?

7                   A.       No.    When a ship is ready to depart,  
8       well, it goes, and it is the stevedore who is in charge  
9       of that.

10                  Q.       Have you had requests, or complaints,  
11       on behalf of shipowners or pilots concerning your harbour  
12       installations?

13                  A.       No, never.

14                  Q.       Do you have any control of the draught  
15       of ships?

16                  A.       No.

17                  Q.       To your knowledge does anyone control  
18       the draught of ships?

19                  A.       Well, the Port Warden, who is in charge  
20       of loading the ships, probably would do that.   I suppose  
21       he is the one who does this control, but I can't tell  
22       you exactly.

23                  Q.       Do you have aids to navigation on your  
24       piers?   Lights, I am talking about, lights which would  
25       help ships to navigate.   I am not talking about lights  
26       which would sort of light the piers?

27                  A.       No, we don't have lights.

28                           MR. JACQUES:   Thank you.





French 1 CROSS-EXAMINATION BY MR. LANGLOIS:

2 Q. Mr. St. Pierre, I don't know whether you  
3 have stated this, but how long have you been at this job?

4 A. Six years.

5 Q. Now, you refer to the basin. Do you refer  
6 to what we call the coal basin?

7 A. No, it is not the coal basin. On one side  
8 you have the elevator, and on the other you have a shed,  
9 and then Sections 14, 15 and 16. Section 14 is a shed  
10 used for small navigation, and Section 16 is where you  
11 load the grain.

12 Q. You have stated that there was a silting in  
13 the basin, and that this silting could reach up to ten  
14 feet, if I understood you correctly?

15 A. No, not to a height of ten feet.

16 Q. What is the maximum height?

17 A. Perhaps two to three feet.

18 Q. Does that include the bumps to which you  
19 referred?

20 A. No.

21 Q. The bumps can be higher?

22 A. Yes, they are higher. It is very difficult  
23 to establish.

24 Q. Have you any idea of the maximum height of  
25 these bumps?

26 A. Up to five feet, I would think.

27 Q. You have also stated that to your knowledge  
28 ships have been grounded at your piers?

29 A. That is true.

30 Q. Do you check the ships when they dock?







French 1 A. No, we don't. There is no checking done.

2 Q. Has it been reported to you that in 1961  
3 the "Timna" had loaded when she was touching the bottom  
4 of the basin?

5 A. No, I received no report on that.

6 Q. Has it been reported that recently, about  
7 three weeks ago, the "Adoration," when leaving the basin,  
8 had dragged the bottom of the basin in such a way that it  
9 almost hit the pier where another ship was moored?

10 A. No, I had no report on that.

11 Q. It is possible that these things might  
12 have happened, and that you don't know about it?

13

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French 1

A. Yes, it is possible.

2

Q. Has it been brought to your attention,

3

an incident which happened three years ago, when a tanker

4

had to unload at about one hundred feet from the pier

5

because it couldn't come close to it?

6

A. Yes, but the tanker unloaded at a

7

private pier belonging to a company, and I have nothing

8

to do with that, but it is within the confines of the

9

harbour.

10

MR. LANGLOIS: Mr. St. Pierre, I don't

11

want to criticize the administration of the harbour.

12

These are only questions that I am asking.

13

THE WITNESS: But concerning the

14

private piers I am not responsible for the dredging.

15

Q. Now, you mentioned dredging done in

16

1961 in the basin. Do you have in your records the

17

date when this dredging was terminated?

18

A. It terminated on the 30th of November,

19

1961.

20

Q. Can you tell us if Shed No. 10 is under

21

your jurisdiction?

22

A. Yes, sir, it belongs to the National

23

Harbours Board.

24

Q. Now, you referred a while ago to the

25

Port Warden. If I am well informed there has been a

26

recent change in his position?

27

A. I think he replaced Captain Raymond in

28

the month of May, or June, of this year. I haven't

29

met him yet.

30

Q. You haven't met him yet?







French 1

A. No.

2 MR. LANGLOIS: My lord, at this stage, I don't  
3 know what the intentions of the counsel for the Commission  
4 are, but if we are going to call the Port Warden of Three  
5 Rivers as a witness, I should like to say that if we  
6 wanted to have information on the Three Rivers harbour  
7 I think Captain Raymond should be the witness, rather than  
8 the one who has been appointed very recently.

9 THE CHAIRMAN: I don't see the name of  
10 the Port Warden.

11 MR. JACQUES: At the beginning this  
12 was to be discussed, but since the hearings started in  
13 Montreal arrangements have been made for the Port Wardens  
14 to be at the hearings concerning the harbours which we  
15 are dealing with. Now, we always try to give satis-  
16 faction to the pilots and shipowners, and we want to go  
17 on doing that.

18 MR. LANGLOIS: I hadn't the slightest  
19 doubt about that.

20 THE CHAIRMAN: This is nice, but it  
21 doesn't answer your question, so if you need Captain  
22 Raymond we will see to it that he comes here.

23 MR. LANGLOIS: Thank you, my lord.

24 Q. Now, Mr. St. Pierre, have you received,  
25 as the Harbour Master, representations of a project to  
26 build a bridge through the river?

27 A. No, I haven't.

28 Q. ~~Have~~ you been informed?

29 A. Yes, I have.

30 Q. Have you seen the preliminary plans?





French 1 A. No, it has been sent to our Engineering  
2 Office in Ottawa. I have not seen any of the plans.

3 Q. Have you been asked to give an opinion,  
4 or advice?

5 A. No.

6 Q. Do you have any personal opinion on the  
7 matter?

8 A. No.

9 Q. You haven't seen the plans?

10 A. No, I haven't.

11 CROSS-EXAMINATION BY MR. BRISSET  
12

13 Q. Mr. St. Pierre, you told us that you  
14 had private piers and public piers in Three Rivers.  
15 Is there a new pier which has been installed recently?

16 A. Yes, sir. Section 7.

17 Q. Is this a public or a private pier?

18 A. This one belongs to the National Har-  
19 bours Board, and it is upstream and used to belong to  
20 Mr. Marchand, and the National Harbours Board bought it,  
21 and they have started building it, and it was finished  
22 about two weeks ago.

23 Q. What is the draught?

24 A. Thirty feet.

25 Q. Mr. St. Pierre, are you aware of a  
26 manoeuvre which would have to be made by a ship coming  
27 from Montreal to come to a mooring post in order to  
28 come to piers, since there are no tugs?

29 A. Usually when coming from Montreal  
30 he uses the south channel to dock. There is no







rench 1 difficulty.

2 Q. The ship must let go its anchor, and  
3 comes to the pier dragging its anchor?

4 A. Yes.

5 Q. Are there telephone cables in the  
6 Three Rivers harbour?

7 A. Yes, but this is beyond Section 20, and  
8 there is no danger, and the pilots are aware of it,  
9 anyway.

10 Q. Concerning accidents which might have  
11 happened to these cables which caused damage to the  
12 cables ---

13 A. Yes, there was an accident three or four  
14 years ago, but this was done by the contractor that built  
15 Section 20. When he was doing the dredging he touched  
16 the cable of the Bell Telephone Company.

17 Q. You aren't aware of any damage to the  
18 ship?

19 A. No.

20 THE CHAIRMAN: I am informed the other  
21 witnesses are called for two-thirty, so therefore there  
22 are no other witnesses this morning, and I wouldn't say  
23 reluctantly, so in this situation we are going to adjourn  
24 until two-thirty.

25 ---At 12.35 p.m. the hearing was adjourned until 2.30 p.m.  
26  
27  
28  
29  
30





English

---On resuming at 2.30 p.m.

R. J. LIGTERMOET, sworn

DIRECT EXAMINATION BY MR. JACQUES:

Q. Would you state your full name and age?

A. R. J. Ligtermoet, forty-seven years  
old.

Q. What is your occupation.

A. Harbour Master, Montreal.

Q. How long have you been Harbour Master  
in Montreal?

A. Since January 1st, 1963.

Q. What was your occupation prior to  
January 1st, 1963?

A. I was Deputy Harbour Master.

Q. How long were you Deputy Harbour Master?

A. Since August 1959.

Q. That was in Montreal also?

A. Yes.

Q. Prior to 1959, what did you do?

A. I was for just over a year Berthing  
Master in Montreal.

Q. And prior to that?

A. Prior to that I was Assistant Dock  
Superintendent for Kerr Steamship Limited in Montreal,  
for seven years.

Q. Have you had any experience in ships  
prior to occupying these positions?

A. I have, but I have been a ship's officer







English 1 for Shell Oil for fourteen years on tankers for the  
2 Royal Dutch Shell Corporation.

3 Q. Do you hold any certificate?

4 A. I have a Master's Foreign-going certifi-  
5 cate.

6 Q. Issued by whom?

7 A. In Holland, by the Dutch Government.

8 Q. When?

9 A. In 1946.

10 Q. How many years did you serve as Master?

11 A. Three years.

12 Q. How many years did you serve on the  
13 bridge of a ship?

14 A. All told, eleven years.

15 Q. Eleven years. What size tankers were  
16 they?

17 A. At that time, the largest tankers were  
18 14,000 tons.

19 Q. Where did you trade?

20 A. All over the world.

21 Q. Will you outline your terms of reference  
22 as harbour master for Montreal?

23 A. I am not quite sure what you mean.

24 Q. What are your duties?

25 A. My personal duties, or the duties of  
26 the office as Harbour Master's department?

27 Q. Let us say the duties of the Harbour  
28 Master's department.

29 A. Of course, the Harbour Master has the  
30 control over the harbour, according to the National





English 1 Harbours Board bylaws and regulations.

2 Q. And those bylaws to which you refer,  
3 would they be Bylaw A-1 Operating Regulations?

4 A. That is correct.

5 Q. National Harbours Board?

6 A. Yes, that is correct.

7 MR. JACQUES: They have already been  
8 filed in Vancouver, my lord. I have a copy available  
9 for the Commission if they wish to receive it.

10 THE WITNESS: Furthermore, the control  
11 of movements in the harbour; the allotment of berths  
12 to all vessels docking in the harbour; the control over  
13 the moorings of vessels; the arranging daily of berths  
14 for the various ships that are expected in the port;  
15 furthermore, the continuous contact with all steamship  
16 companies in the harbour.

17 Q. With respect to what?

18 A. With respect to vessels expected or  
19 expected to sail.

20 Q. Yes?

21 A. Also the allotment of daily rental sheds  
22 for unloading or loading the vessels.

23 Q. The daily ---?

24 A. Daily rental sheds. Those are sheds  
25 operated on a daily rental basis. The rental also of  
26 open spaces for cargo discharge in the open air. The  
27 rental of other National Harbours Board facilities, like  
28 a floating crane; the supervision of the National Harbours  
29 Board fleet, the administration and operational end of it.  
30 Furthermore, there is, of course, a lot of interdepartmental







English 1

correspondence and various meetings, et cetera, that  
2 are going on from time to time, which I have to attend.

3 Q. And these are the terms of reference  
4 of the Harbour Master's Office; is that correct?

5 A. Yes, in general.

6 Q. How many persons do you have working  
7 under you, if any?

8 A. In the Harbour Master's office itself  
9 there are sixteen persons working under me.

10 Q. Would you name their functions or  
11 titles?

12 A. There is the Deputy Harbour Master,  
13 two Berthing Masters, three Traffic Officers, one  
14 Information Officer, one Principal Clerk, a Billing  
15 Clerk, Assistant Billing Clerk and Statistics Clerk,  
16 with an assistant. Then we have a Fleet Superin-  
17 tendent with a clerk assisting the Superintendent.

18 Q. Would you outline your duties as  
19 Harbour Master?

20 A. My duties are to supervise this staff,  
21 in the first place, to supervise the general good  
22 operation of this office. Apart from that, one of my  
23 main duties, I think, is the control of the movement of  
24 vessels in the harbour.

25 Q. What are the duties of the Deputy  
26 Harbour Master?

27 A. The Deputy Harbour Master, of course,  
28 he is my right hand man. If I am not here, then he  
29 is supposed to take over; but the operational end of  
30 it is more left to him and I personally handle more of





English 1 the administrative end of it.

2 Q. What are the duties of the berthing  
3 masters?

4 A. The berthing masters go out and check  
5 the moorings of a vessel and see if they are well moored  
6 and if not they advise the vessel's master to change  
7 the moorings. The berthing masters also keep a check  
8 on the daily rental sheds and the open sections and  
9 see how much cargo is placed in each place, of which  
10 we have to keep a record for billing purposes. The  
11 berthing masters also go around the harbour daily and  
12 check for all kinds of things that might jump to the  
13 eye, like cleaning a section after it has been vacated  
14 by the sea -- cleaning of sheds, the condition of  
15 offices in the sheds, et cetera.

16 Q. What are the duties of the traffic  
17 officer?

18 A. The traffic officer, you might call  
19 him also a despatcher. In the Seaway he is called a  
20 despatcher. We call him the traffic officer. They  
21 are on eight-hour shifts of duty around the clock,  
22 twenty-four hours a day, three men, eight hours each.  
23 They control the traffic in the harbour by radio-  
24 telephone. They are continuously keeping watch on  
25 the radiotelephone.

26 Q. What are the duties of the information  
27 officer?

28 A. The information officer is mainly there  
29 to give information to the general public and steam-  
30 ship agents whenever they phone in for certain







English 1 information regarding ships' arrivals, the place where  
2 the ship may be docked and when the ship is expected.  
3 Q. Would you describe how you control  
4 the movement of ships in the harbour? You said that it  
5 was your primary duty.  
6 A. That is correct. All vessels entering  
7 the harbour are required to report when entering or  
8 nearing the north boundary of Montreal harbour, which  
9 is near Sorel.  
10 Q. How do they report to you?  
11 A. They report by telephone.  
12 Q. Direct from the ship?  
13 A. Direct from the ship, to our radiotele-  
14 phone in my office.  
15 Q. Yes?  
16 A. If they do not have a radiotelephone  
17 they are required to make previous arrangements via  
18 the agent.  
19 Q. And what do they report, just their  
20 names?  
21 A. They report the name of the vessel and  
22 their ETA in Montreal Harbour.  
23 Q. Do they report draught?  
24 A. No, they do not. They only report the  
25 name of the vessel.  
26 Q. And the nature of the cargo?  
27 A. No.  
28 Q. Just the name and the ETA?  
29 A. That is correct. After they report  
30 to our traffic officers they are usually given the okay





English 1 to proceed to the designated berth or anchors.

2 Q. Now, let me ask you, there is 35 feet  
3 of water available in the channel in Montreal. You are  
4 aware of that?

5 A. There is, but not always.

6 Q. Not always, but there is supposed to be?

7 A. That is correct.

8 Q. And at some docks or piers, for example  
9 in Victoria pier, there is only 29 feet of water avail-  
10 able according to your plans?

11 A. Yes; Victoria Pier is 25 feet.

12 Q. Twenty-five feet?

13 A. Yes.

14 Q. And you said that you allotted berths  
15 to incoming ships?

16 A. That is correct.

17 Q. How do you proceed in that respect if  
18 you do not know the draught of the vessel?

19 A. We do not know the actual draught when  
20 the ship comes in, but we do, however, know from Lloyds  
21 their maximum summer draught. It is marked in Lloyds'  
22 register which we check with the ship's name so that  
23 we know that she is never over that.

24 Q. What about if the ship is not registered  
25 in Lloyds?

26 A. Then we contact the steamship agents and  
27 we ask them. If they do not know it they ask the ship  
28 by wireless.

29 Q. As regards allotting berths, do you get  
30 in touch with the agents before you do so?







English1

A. Yes, the agents give us notice in

advance of every ship arrival, usually one or two days  
ahead of time.

Q. Yes. Do they tell you what cargo she  
is going to unload?

A. The amount of cargo, sometimes the  
nature, not always, but usually the amount of import  
and export cargo expected to load.

Q. Can they request to be allotted a  
certain berth?

A. In Montreal harbour, we have major  
companies that have a yearly leased shed, so naturally  
they handle or try to handle all their ships at their  
own sheds. It is only at very odd times that these  
steamship companies request an outside shed. When that  
happens, then we get all the particulars of the cargo and  
the amount of space required and the date the ship is  
expected to be in Montreal harbour so they can rent a  
daily rental shed from us. There are a few companies  
that do not have a yearly leased shed. They always  
have to ask for outside space and they do not have a  
place of their own to come to. So they give us that  
in advance, and that is usually within -- some within  
two days, some times five and ten days ahead of time,  
a notice when one of the ships is due and give us the  
exact tonnage and cargo that is expected inward and  
outward.

Q. Let me come back to draught again. I  
am rather puzzled how you proceed to allot berths if you  
do not know the draught of the ship and if the water





English 1 is not similar throughout the harbour.

2 A. The company-leased sheds, which is the  
3 majority -- we only have at the moment three sheds on  
4 daily rentals and the other ones are leased to steamship  
5 companies, and those liners have never a draught which  
6 even approaches the water available at the berth.

7 Q. Am I right in saying that it is up to  
8 them to see that their ship is able to place herself  
9 alongside the pier?

10 A. Yes, that is correct. They watch it  
11 themselves.

12 Q. Now, once you have allotted a berth,  
13 do you pass on this information to the master of the  
14 ship?

15 A. The steamship company does that.

16 Q. The steamship company does that?

17 A. That is correct.

18 Q. You tell the agent or the steamship  
19 company?

20 A. That is correct. And if the ship re-  
21 ports to us by radiotelephone, as I mentioned before,  
22 and he doesn't seem to know where his berth is, then we  
23 tell him over the radiotelephone.

24 Q. When the ship comes up to Montreal do  
25 you exercise any control over her movements, over her  
26 speed, over where she is going to anchor, whether or  
27 not she is going to anchor?

28 A. Yes, that is correct. We control  
29 every movement of every ship that goes to anchor or  
30 to any berth.







English1

Q. How do you control that?

A. By radiotelephone. I mean, we are able to converse with every ship that is fitted with radiotelephone.

Q. What sort of control do you exercise in that respect?

A. If a ship is inbound, you mean?

Q. Yes.

A. I am not quite sure . . .

Q. You said you control the speed of the ship and the movement of the ship in the harbour and anchorage. What is the extent of your control in those three respects?

A. Every ship that is docked in the harbour and wants to move, either sail or to move to another berth . . .

Q. What about ships coming in? Now, we are not yet at the point where we are leaving Montreal. We are still coming in.

A. A ship coming in in the harbour has to report to us and then we tell him to proceed.

Q. That is all there is to it?

A. That is all there is to it.

Q. And if you send her to an anchorage, she goes there and you do not worry about her any more?

A. That is correct. As soon as she anchors or docks, the ship reports to us the time of arrival.

Q. I understand that according to Section 35 of Bylaw A-1 as amended, in accordance with the





English 1 Amendment Notice No. 1, the speed in Montreal harbour,  
2 when moving in a westerly direction or upstream direction,  
3 is eight knots between gas buoy No. 149M and Longue  
4 Pointe signal station?

5 A. Yes.

6 Q. And it is six knots between Longue  
7 Pointe signal station and the Sailors' Memorial Clock  
8 Tower?

9 A. That is right.

10 Q. That is moving westerly?

11 A. That is correct.

12 Q. Do you ever check this speed?

13 A. We certainly do. The berthing masters  
14 -- that is one of the duties of our berthing masters.  
15 They do this, especially with big passenger liners and  
16 we keep a record of it.

17 Q. How do you do that?

18 A. Our berthing master times it himself  
19 on his own clock and before he goes out in the office  
20 to check a vessel, say the "Empress" -- any "Empress"  
21 vessel sails from Shed A downbound and then the berthing  
22 master goes to Shed A and he times her when she leaves  
23 the shed. Our traffic officer times the ship when it  
24 passes the Clock Tower. The berthing master, in the  
25 meantime, goes in his car and times it at Longue Pointe  
26 and Montreal East. When he comes back he synchronizes  
27 his clock and asks the Signal Service what time they  
28 have -- they make up for the time down there -- and asks  
29 the Signal Service to report when the vessel passes  
30 Cap St. Michel. That way we have the speed record







English 1 from the Clock Tower to Longue Pointe and from there  
2 all the way to Cap St. Michel.

3 Q. This seems an awfully complicated  
4 process?

5 A. It is.

6 Q. You would do that how many times a day?

7 A. Oh, no, there is no question of how  
8 many times a day. It might be three or four times a  
9 month.

10 Q. That you would check a vessel's speed

11 A. Not on one vessel. Usually when they  
12 spread their line to sail, there is two or three at  
13 a time and they go one after another. So we take  
14 them all, which means that in a month's time you might  
15 have eight or ten or twelve. But that entirely de-  
16 pends on how busy we are at that certain date.

17 Q. I see. You said that you check the  
18 speed of passenger ships. Do you check the speed of  
19 tankers or cargo ships?

20 A. Not very often. We do once in a  
21 while, but usually we do that -- we can always do this  
22 afterwards. We always keep a check when the vessel  
23 passes the Clock Tower. We have this on our record.  
24 We can always check later on. If we get a complaint,  
25 for instance, that a ship passes too fast and causes  
26 some damage here or there, we can always check that by  
27 the Signal Service Station and also by a record.

28 Q. For every ship you have the time of  
29 passing the Clock Tower?

30 A. Not for every ship, but for most ships





English 1 that berth in the upper harbour. There is a lot of  
2 ships that don't come that far, though.

3 Q. How far down river do you check this  
4 speed? Do you go below St. Michel?

5 A. No. Sometimes we -- we actually do not  
6 go further than -- our berthing master personally does  
7 not go any further than the oil docks in Montreal East,  
8 and that is as far as he can drive, and it takes him a  
9 couple of hours. So the Signal Service gives us  
10 the times that the ship passes Cap St. Michel and we  
11 can also get it from Sorel, from the Signal Service  
12 Station.

13 Q. Do you find that there are many ships  
14 exceeding the speed limits?

15 A. No. I think there is not very many.

16 Q. Are you able to say how many did last  
17 year?

18 A. Last year -- may I have a short look in  
19 my records?

20 Q. Yes, you may.

21 A. I have records here of eight ships in  
22 1962.

23 Q. Eight ships in 1962?

24 A. Yes.

25 Q. Would you know by how much they have  
26 exceeded the speed limits?

27 A. It ranges from one mile, one and a half,  
28 two and a half -- from one to four miles.

29 Q. May I see that, please?

30 A. Yes. You see the end speed in the last







English 1 column.

2 MR. JACQUES: With the permission of  
3 the Commission, I should like to file, in a bundle, eight  
4 sheets of paper giving, for various vessels, the average  
5 speed between points within the harbour of Montreal,  
6 as Exhibit No. 502.

7 MR. LANGLOIS: Covering what period?

8 MR. JACQUES: The navigation season  
9 1962.

10 ---EXHIBIT NO. 502: Eight sheets of paper giving  
11 average speed of various vessels  
12 between Points within the har-  
13 bour of Montreal for the navi-  
gation season 1962.

14 Q. Do you know whether these eight  
15 vessels which exceeded the speed limit carried pilots or  
16 not?

17 A. They all carried pilots.

18 Q. They all carried pilots? Did you  
19 report this excessive speed to the Pilotage Authority?

20 A. I do not think that in these eight cases  
21 the speed was reported to the Pilotage Authority.

22 Q. Prior to 1962, did you have occasion  
23 to report excessive speed to the Pilotage Authority?

24 A. Not personally, of course, because I am  
25 only Harbour Master in January of this year.

26 Q. I realize that, but I will expect you  
27 to speak from your records.

28 A. No.

29 Q. You may check in the records later on,  
30 please?





English 1                   A.       Yes.    I would like to.  I am not sure  
2   about that.

3                   Q.       Did you report those incidents to the  
4   owners of the ships concerned?

5                   A.       That is correct.    The steamship agent  
6   here, the local agent.

7                   Q.       Was any action taken against those  
8   ships?

9                   A.       There was no action taken.   The steam-  
10   ship agents have been advised, though, and they wrote us  
11   back that they would advise the masters of their vessels  
12   on return.

13                  Q.       And to the best of your recollection,  
14   was any damage done due to this excessive speed?

15                  A.       No, sir.    There was no damage done,  
16   or none reported.

17                  Q.       Now, I understand that the current in  
18   the harbour of Montreal is quite strong in places.  
19   Would you tell us if you consult with pilots as regards  
20   the movements of ships in the harbour from the point of  
21   view of safety?

22                  A.       Safety of manouvring in the harbour?

23                  Q.       Yes.

24                  A.       I do not consult with the pilots.

25                  Q.       Do you consult with pilots on the safety  
26   of ships in respect to the amount of traffic in the  
27   harbour?

28                  A.       The traffic officers might advise  
29   pilots when they are moving in the harbour of one another's  
30   movements.    It is not so much a consultation as advice







English1 to pilots.

2 Q. Your traffic officer would advise pilots  
3 of other ships moving in the harbour?

4 A. Absolutely. That is done quite often.

5 Q. Would you explain how that is done?

6 A. Yes. Vessels, for instance, coming  
7 out of the Seaway into the harbour are always advised  
8 of vessels moving from the upper harbour downstream.  
9 Vessels moving upstream from the upper harbour have  
10 preference over ships coming out of the Seaway entrance.  
11 So, if there is any danger at all or any doubt that those  
12 two vessels might meet at the Seaway entrance, then both  
13 pilots of the vessels are advised of the situation and  
14 told that one is leaving the Seaway and that the ship  
15 from the upper harbour is downbound.

16 Q. By your traffic officer?

17 A. Yes.

18 Q. Where does he get all the information  
19 concerning the movement of those ships? How does he  
20 know that someone is coming out of the Seaway and that  
21 someone is coming down from the upper harbour?

22 A. Every movement is controlled by the  
23 traffic officer. A ship that wants to leave a berth  
24 has to call the traffic officer and ask permission to  
25 leave the berth. The same goes for a vessel that  
26 wishes to leave the Seaway lock, St. Lambert Lock down-  
27 bound; he has to ask for permission to leave the harbour.

28 Q. Does it happen that you refuse leave to  
29 leave the lock or the Seaway?

30 A. No. We never refuse them to leave. We





English 1 might advise him to wait a few minutes until the down-  
2 bound ship has passed the entrance.

3 Q. So your traffic officer gets the infor-  
4 mation direct from the ships?

5 A. Direct, yes.

6 Q. And this is passed on, you say, to the  
7 pilots on board the ships? I understand there are some  
8 ships without pilots. How do you proceed then?

9 A. We converse mainly with the pilots  
10 because usually it is the pilot who answers this radio-  
11 telephone; but it may as well be the master. We are not  
12 even sure who answers. We call a vessel by name.

13 Q. You call a vessel by name?

14 A. ~~Yes. Not a pilot.~~

15 Q. And not a pilot?

16 A. That is correct.

17 Q. And you speak to whoever answers the  
18 radiotelephone?

19 A. That is correct.

20 Q. Whether he is the pilot or the master  
21 or the mate?

22 A. Or maybe a radio operator on the vessel.  
23 Like on the passenger ships, it is usually the wireless  
24 operator.

25 Q. But you have no way of knowing definite-  
26 ly?

27 A. No.

28 Q. Does it happen that ships leaving the  
29 upper harbour or leaving the Seaway fail to report to the  
30 traffic officer?







English 1

A. This happens on occasion. We had

2 occasions of vessels leaving the harbour without report-  
3 ing.

4 Q. The upper harbour?

5 A. Anywhere in the harbour.

6 Q. Anywhere in the harbour, without re-  
7 porting? Would you tell us about these occasions?

8 A. Do you want specific cases?

9 Q. Yes?

10 A. I have a few, I guess, I can find here.  
11 I have three cases here during that year that happened  
12 so far.

13 Q. Three cases in 1963? Do you recall how  
14 many cases you had last year?

15 A. No. I don't offhand, but I think it is  
16 maybe eight or ten.

17 Q. Now, would you give us more details  
18 about those three cases this year?

19

20

21

22

23

24

25

26

27

28

29

30





English<sup>1</sup>

A. The first case was a vessel which

2 was tying up in Shed 2 and left.

3 Q. On what date would it have occurred?

4 A. On May 30th. No, I am sorry. One

5 moment, please. May 17th. The vessel tied up at

6 Shed 2 at 0700 in the morning. Left without permis-

7 sion from the berth, and sailed. This office was not

8 advised of its sailing time, so our traffic officer just

9 saw the ship pass, and I made a report to the steamship

10 company, the agent, and also to the District Supervisor

11 of Pilots.

12 Q. Why to the District Supervisor of

13 Pilots?

14 A. Because there was a pilot on board the

15 vessel.

16 Q. You are sure of that?

17 A. Yes.

18 Q. How did you ascertain whether there was

19 one on board or not?

20 A. We phoned the Pilotage Office to find

21 out the name of the pilot who piloted the certain vessel

22 down. In the case of accidents or infractions we

23 always want to know the name of the pilot so that we can

24 name him by name in our correspondence.

25 Q. Did anything happen about this leaving

26 without giving notice?

27 A. Nothing happened.

28 Q. Would you tell us about the other cases,

29 please?

30 A. This was the first case. The second







English 1 case is on June 17th, at 7.30 in the morning, from  
2 Shed 50. The vessel there again left without receiving  
3 permission from the Harbour Master's Office to do so.  
4 Q. Was there a pilot aboard this one?  
5 A. There was also a pilot aboard that ship,  
6 and the agents again, as well as the District Supervisor  
7 of Pilots, have been advised of this, with a request to  
8 find out why this was done.  
9 Q. Did you receive a reply?  
10 A. I received a reply from the agents.  
11 So far I have not received a reply from the District  
12 Supervisor of Pilots.  
13 Q. Now, will you tell us about the third  
14 case?  
15 A. The third case was on June 26th at  
16 1615. The vessel left from Longue Pointe anchorage,  
17 again without requesting permission to do so, down-  
18 bound. Again here the steamship agents were advised,  
19 as well as the District Supervisor of Pilots, with a  
20 request to find out why no permission was requested  
21 before sailing.  
22 Q. Now, you have given us three cases  
23 this year where pilots were involved. I should also  
24 like to know if in the past say last year ships without  
25 pilots did leave without permission?? Would you be  
26 able to supply the Commission with this information?  
27 A. I have no record of any ship without a  
28 pilot having done so.  
29 Q. For last year?  
30 A. For last year.





English 1

Q. Now, would you explain why this control of the time at which ships leave? What is the reason for that? You mentioned that you wanted to advise ships coming down from the Seaway and from the upper harbour of each other's movements, so that they can take appropriate measures, but what about the lower harbour?

A. It is not so much the time that we are interested in as the actual moment they leave. The traffic officer is like a traffic officer in the street. You have to more or less control the movement, and if a ship is passing downbound you simply couldn't have a ship for instance coming out of the Seaway, cutting across the channel, and going to the upper harbour, making a lefthand turn. This would be inviting disaster, so in order to be able to prevent accidents, it is imperative that our traffic officer be advised of every ship wishing to leave, and then tell him either to go or to wait.

Q. So there is a security reason behind this requirement?

A. It is only security, yes. It is entirely in the interests of safety.

Q. Yesterday or the day before we were told by the Assistant Port Engineer that you could tell the Commission whether any information is passed on to the pilots, or to the shipowners, as regards dredging or depths of water available in the harbour. Do you look after that?

A. I am not exactly looking after it. We







English1 don't as a rule pass on this information, but the infor-  
2 mation is available at all times in my office.

3 Q. But you don't make it a rule to send  
4 this information without request?

5 A. No, sir.

6 Q. Why not?

7 A. That is a difficult question to answer.  
8 I don't know why not.

9 Q. Were you ever requested to send this  
10 information to pilots?

11 A. I never was.

12 Q. To the shipowners?

13 A. No, sir.

14 Q. Would delays in coming alongside create  
15 a problem here in the harbour?

16 A. Delays in coming alongside could of  
17 course always pose a problem, although I can't see how  
18 much delays there could be in coming alongside. We  
19 have never much encountered ~~this difficulty~~ <sup>difficulty</sup>.

20 Q. Do you have any control over the draught  
21 of vessels?

22 A. No, I have none.

23 Q. You have none at all?

24 A. No, sir.

25 Q. Can you tell the Commission whether ships  
26 loading at any of the berths where the depth of water is  
27 not 35 feet, ever ground whilst loading? Are you aware  
28 of that?

29 A. I suppose you mean in this respect touching  
30 bottom while she still is loading or just finished loading?





English 1

Q. Yes?

2 A. On occasions this has happened.

3 Q. Would you recall how many times in the  
4 last year or this year?

5 A. Last year I only recall one instance.  
6 This year none so far.

7 Q. At what pier did this happen last year?

8 A. At Shed 11.

9 Q. How much water was available, do you  
10 know ?

11 A. Twenty-eight feet.

12 Q. What sort of ship was it?

13 A. This was a smaller sized cargo ship,  
14 the "Irish Spruce".

15 Q. Do you know to what draught she was  
16 actually loaded?

17 A. May I look at my records?

18 Q. Yes, you may?

19 A. I do not seem to have the full file here,  
20 sir. I only have the sketch showing the testing after-  
21 wards, which showed that the water was 28 feet.

22 Q. How much water was there supposed to be?

23 A. There was supposed to be 29 feet, but  
24 the ship was under 28 at the moment when she touched the  
25 bottom.

26 Q. Did you take soundings afterwards?

27 A. We did, yes.

28 Q. How much water did you find?

29 A. Twenty-eight feet on the highest spot.

30 Q. And did you take into account any change







English 1 in the level of water that may have happened?

2 A. That is correct. That is reduced to  
3 low water level at that time.

4 Q. Did you report that incident to those  
5 who look after the dredging?

6 A. Absolutely.

7 Q. To the best of your knowledge was a  
8 notice sent out to shipping to that effect?

9 A. No. Instead they put two big fenders  
10 out. This shallow spot appeared to be grain dust and  
11 sweepings thrown over the side, which is very soft  
12 material, and since this was late in the fall there was  
13 no actual time to remove it at that time, so we instead  
14 put in there two large, six-foot wide fenders, so that  
15 every ship that docks afterwards would not be over the  
16 shallow spot.

17 Q. So the shallow spot was close to the dock?

18 A. Very close to the dock, within four  
19 feet of the wharf face.

20 Q. Was the ship damaged as a result of  
21 that?

22 A. No, sir. No damages occurred at all.

23 Q. Do vessels docking and undocking use  
24 tugs in Montreal?

25 A. They usually do. It is left at the  
26 discretion of the master of the vessel if he wants to  
27 employ tugs or not.

28 Q. You said it is left at the discretion  
29 of the master. Do I understand rightly when I say that,  
30 when I conclude rather, that you never interfere in that





English 1      respect.      You never request a ship to use tugs?

2                    A.            That is not so entirely. In normal  
3 cases it is left to the masters, but in cases of safety,  
4 for safety of navigation, the Harbour Master has the  
5 authority to order a ship to use tugs, which is also  
6 in the bylaws.

7                    Q.            Would you refer to the proper section,  
8 please?

9                    A.            It is No. 36 in the Bylaws:

10                    "Whenever in the interests of safe  
11 navigation the Board considers that  
12 any vessel should engage tug ser-  
13 vices for moving within the harbour  
14 the Board may at the expense of such  
15 vessel order the vessel to engage  
16 such services."

17                    Q.            Has it happened since you have been in  
18 office that you have had to request a ship to use use  
19 tugs?

20                    A.            We had the occasion two or three times  
21 last year when a so-called dead ship was moved. That  
22 is a ship which can't use its own engines, and the master  
23 or agent proposed to move the ship with two or three  
24 tugs, and I insisted that they take one more, four  
25 tugs, instead.

26                    Q.            And was your advice, or order, adhered  
27 to?

28                    A.            Always.

29                    Q.            I believe that under Section 4 of  
30 Bylaw A-1, you may have jurisdiction over obstructions

1. The first part of the paper discusses the importance of the study of the history of the English language.

2. The second part of the paper discusses the importance of the study of the history of the English language.

3. The third part of the paper discusses the importance of the study of the history of the English language.

4. The fourth part of the paper discusses the importance of the study of the history of the English language.

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9. The ninth part of the paper discusses the importance of the study of the history of the English language.

10. The tenth part of the paper discusses the importance of the study of the history of the English language.





English1 and dangers to navigation in the harbour. Am I correct?

2 Does that come under you?

3 A. That is right.

4 Q. Have you any instances of obstructions,  
5 or dangers, to navigation in the harbour of Montreal  
6 last year?

7 A. Not to my recollection.

8 Q. Do you recollect the "Federal Express"  
9 case?

10 A. Yes, I remember that.

11 Q. When did it happen?

12 A. That happened on the 5th of May, 1959.

13 Q. Would you tell us if you can from your  
14 file how it happened?

15 A. Yes, there was a vessel -- not from my  
16 files. I don't have it here, but I remember this case.  
17 I was pretty much close concerned with it at the time.  
18 A vessel around nine o'clock at night, called "Polaris",  
19 went downstream to Mary's current, passing the Clock  
20 Tower, when her steering gear failed, and she was driven  
21 by the strong St. Mary's current, and pushed against  
22 Shed 28, where the "Federal Express" was at that moment.  
23 The vessel was struck, torn from her moorings, drifted  
24 down the river and sank off Laurier Pier.

25 Q. Was she ever removed from that place  
26 where she sank?

27 A. The ship at the end of the year ulti-  
28 mately was dismantled, under the water, and removed  
29 piece by piece.

30 Q. While she was lying there in the bottom





English 1 of the harbour did she impede in any way traffic?

2 A. She certainly did. This was a very  
3 awkward spot for a vessel to sink, as it is near the  
4 entrance of the Seaway, as well as in the ship navigating  
5 channel, between the lower and upper harbours.

6 Q. In the harbour of Montreal are there  
7 many places where a ship involved in a casualty, and  
8 sinking, would interfere substantially with the traffic?

9 A. I would say in pretty well all harbours  
10 that would be the case.

11 Q. Pretty well everywhere?

12 A. Yes.

13 Q. Any ship sunk would interfere with  
14 traffic?

15 A. Absolutely.

16 Q. What registry was this "Polaris"?

17 A. I believe she was German.

18 MR. LALONDE: Swedish.

19 THE WITNESS: Yes, Swedish.

20 Q. And you said she had left the dock and  
21 her steering gear broke down afterwards?

22 A. That is right. She was sailing down-  
23 stream in the current.

24 Q. Had she requested permission to sail,  
25 do you recall that?

26 A. Yes, everything was correct in that  
27 respect.

28 Q. Do you ever have occasion to request,  
29 in bad weather, that security watches be kept on board  
30 ships alongside, or at anchor?







English 1 A. No, not in Montreal harbour.

2 Q. In the case of shipping casualties, are

3 you ever requested to attend the inquiries which are held

4 by the representative of the Minister of Transport?

5 A. No, sir. Again the answer is no, I

6 have never been.

7 Q. Did you prepare a list of the accidents

8 to the port installations for the past five years?

9 A. No, I didn't prepare it myself.

French 10 MR. J. M. JACQUES: If it please the

11 Court, my lord, there is another witness who will give

12 evidence on that point.

English 13 COMMISSIONER SMITH: My lord, I would

14 like to ask this witness just one question. It is

15 concerning the density of traffic in the harbour. Maybe

16 density is not the right word, but I think you know what

17 I mean.

18 What I am thinking about is a period,

19 take around the 1st of December in each year, or there

20 may be other periods as well, there must be considerable

21 increase in traffic, and perhaps density of traffic, in

22 Montreal harbour, isn't there?

23 THE WITNESS: That is correct, sir.

24 COMMISSIONER SMITH: And in those

25 periods I know there are extra burdens on you and your

26 staff, and responsibilities, but does it in addition to

27 that create hazards and dangers in navigation or

28 manoeuvrability of ships?

29 THE WITNESS: Your honour, it usually

30 doesn't create any danger, or difficult situations. It





English 1 might at times slow down a bit, because of too many  
2 vessels wanting to move at the same time, which auto-  
3 matically has to be slowed down a bit.

4 COMMISSIONER SMITH: And your office  
5 has to watch that situation very carefully at those  
6 periods?

7 THE WITNESS: That is right.

8 COMMISSIONER SMITH: I mentioned a  
9 period around the first of December. Would that be  
10 correct?

11 THE WITNESS: Usually early spring  
12 and late fall are the busiest times.

13 COMMISSIONER SMITH: Thank you very  
14 much.

15 CROSS-EXAMINED BY MR. LALONDE:  
16

17 Q. Mr. Litgermoet, you produced a record  
18 of vessels exceeding the speed limit, which appears as  
19 Exhibit No. 502.

20 By reading this exhibit I notice that  
21 they are only concerning liners. Has the check been  
22 made on liners only?

23 A. Last year, yes, sir, the liners only  
24 were checked.

25 Q. And was the check made on all liners  
26 regularly, or on certain dates?

27 A. No, these checks are very irregular,  
28 as I mentioned before. It depends entirely on the  
29 workload at the time on our masters for checking.

30 Q. Would they have been made more often







English 1 than the number of instances which appears in this  
2 exhibit?

3 A. No, these are all the records I have in  
4 that year.

5 THE CHAIRMAN: I think this is not the  
6 answer to the question. You asked whether those were  
7 the only instances where checks were made, and the answer  
8 was that those are the only offences found, but what he  
9 meant there was whether there were other checks than  
10 those?

11 THE WITNESS: No, sir. These were the  
12 only ones.

13 THE CHAIRMAN: So it means that every  
14 time you checked you found an offender?

15 THE WITNESS: In these liners, yes, they  
16 are all a little over.

17 THE CHAIRMAN: So if you had made more  
18 checks, you would have found more offenders?

19 THE WITNESS: Which is likely.

20 Q. I notice that you made these checks on  
21 two liners on the 11th of May, then you have the 8th of  
22 June, four liners, and two liners again on the 15th June,  
23 and you would therefore have checked three times during  
24 that year?

25 A. That is right.

26 Q. Do you know whether on the 11th of May  
27 or the 15th of June there were more than two liners  
28 leaving Montreal harbour?

29 A. I doubt it. These liners, when they are  
30 sailing, as I mentioned, they go one after another. On





English 1 the 15th of June three or four were all the liners in  
2 the harbour at that time.

3 Q. There were two on the 15th of June and  
4 two on the 11th of May, while there were four on the  
5 8th of June?

6 A. This is very possible, because we don't  
7 have the same kind of liners in every week.

8 Q. You would presume, therefore, that these  
9 would be all the liners which would have left Montreal  
10 harbour on that particular date?

11 A. On these dates, yes.

12 Q. Have you ever tried to analyse the  
13 reasons why all the liners leaving Montreal on the dates  
14 you have checked, and I mean really all the liners, from  
15 what you say, are a little bit over the speed limit in  
16 Montreal harbour?

17 A. Yes, I think this is due to the fact  
18 that the large liners are a little more difficult to  
19 handle than the normal freighters.

20 Q. And could it be due to the fact also  
21 that in order to handle them properly in the currents in  
22 Montreal harbour the master and the pilot can't keep the  
23 vessel at too low a speed?

24 A. Going downbound that may be the case,  
25 yes, sir.

26 Q. And could it be the case that it would  
27 be safer to go at somewhat higher speed than a lower  
28 speed in the Montreal harbour going down river?

29 A. These occasions might arise. Weather  
30 conditions might call for that as well, high winds.







English

Q. So, would you be prepared to say that

2 although these appear as technical offences against the  
3 speed limit regulations in Montreal harbour, it might  
4 have been the proper thing to do for the safety of the  
5 particular vessel at that time, or the safety of liners  
6 generally?

7 A. It very well might be.

8 Q. Would you have any idea approximately  
9 how many ships came in and left Montreal harbour last  
10 year?

11 A. Approximately six thousand vessels.

12 Q. Out of that number, do you know approxi-  
13 mately how many would not have a pilot on board?

14 A. How many would not have a pilot on  
15 board. I can't even make a guess there, because I am  
16 not familiar with every vessel who has or has not a  
17 pilot aboard.

18 Q. If that is the case, how can you affirm  
19 that you haven't a single record that a ship without a  
20 pilot left without giving notice in Montreal harbour, or  
21 that ships that left Montreal harbour without giving  
22 notice were ships with a pilot on board?

23 A. As I mentioned before to Mr. Jacques,  
24 whenever a case like this happens I check the pilots'  
25 office and ask the name of the pilot. So in these  
26 cases I get the names of these pilots. So I knew there  
27 was a pilot aboard.

28 Q. In all the cases you mentioned, three  
29 cases last year, and eight or ten the year before?

30 A. That is correct.





English 1

Q. I thought you mentioned that you had no news from the pilots office of the incident of May 17th, or the second incident referred to?

A. The second incident I did not get a reply to my letter.

Q. How can you say therefore that there was a pilot on board?

A. The name of the pilot was George Belisle. The name of the vessel was the "Hurricane". The incident was on June 26th.

Q. You did get that name from the pilots office?

A. That is correct, from the pilots office despatcher.

Q. But you didn't receive any answer to your letter to the Pilotage Office in this connection?

A. That is right.

Q. Have you ever made further checks, or verification, or inquiries, concerning leaving without notice in Montreal harbour as to the causes of such absences of notice?

A. Yes, sir. We write the steamship agents, if it is a vessel leaving without giving notice. If it is a move in the harbour without notice, then we can naturally contact the master direct, go on board ship, and ask him, but it seems always to happen when a ship leaves the port.

28

29

30







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English 1                      If it is a move in the harbour, and  
2        we cannot get hold of the master,     we write the  
3        steamship agent who, in turn, usually has to write the  
4        master in turn again, and it takes quite a long while  
5        before we get the answer.     The ship may be anywhere in  
6        the world by that time.

7 Q. I see. How is this permission to  
8 leave granted; is this done over radiotelephone or  
9 through another means?

10 A. It all depends how this permission is  
11 asked for. If it is done by radiotelephone, which is  
12 usually the case when the ships are fitted with radio-  
13 telephone, then naturally our answer is over the  
14 radiotelephone. Some times when a ship is not fitted  
15 with R/T, the agent, master, one of the officers of the  
16 ship or anybody from the vessel, or it might be the  
17 pilot, calls us by land telephone and we make the  
18 arrangement and agreement over this land telephone.

19 Q. Do you have to go in some cases to  
20 make it by land telephone, and go to the nearest public  
21 telephone and ask for permission?

22                   A.       It does not have to be the nearest  
23       public telephone.   All ships are equipped with  
24       telephones.

25 Q. Whose responsibility is this under the  
26 Regulations?

27                   A.       Under the Regulations, it is the  
28       responsibility of the vessel which requests permission.

29 Q. What methods of checking would a pilot  
30 have as to whether or not permission was asked if the





English master were to tell him that he had asked for permission?

2 A. I suppose he has to take the master's  
3 word for it.

4 Q. I see. You have had experience in  
5 other harbours elsewhere in the world?

6 A. Yes, I have. I have been all over the  
7 world, in all ports.

8 Q. You have probably met harbour masters  
9 from the other ports also?

10 A. Yes.

11 Q. How does this eight or ten number of  
12 instances for 1962 compare with the situation in other  
13 harbours, as far as you know?

14 A. You mean speed checks?

15 Q. No, I am referring to instances where  
16 ships leave without giving notice? Does this happen  
17 in other harbours?

18 A. Now, when I was at sea, the time we  
19 are talking about now, there was no radiotelephone  
20 control in any of the harbours I have been to.

21 Q. But you have no knowledge, through con-  
22 tacts with harbour masters in other ports, as to incidents  
23 of that sort; for instance, in the harbour of New York  
24 or Vancouver or elsewhere?

25 A. I have not, sir.

26 Q. Thank you. You referred to your  
27 traffic officers in Montreal harbour. If I understood  
28 you well, these officers are responsible for the direc-  
29 tion of the traffic, of vessels in the harbour?

30 A. That is correct. They regulate the







English 1 traffic.

2 Q. Do they actually give orders to vessels  
3 as to where they should go and what movement, what  
4 manoeuvres they should do?

5 A. No. They never interfere with the  
6 actual physical movement of the ship.

7 Q. What do they do? What kind of orders  
8 do they give?

9 A. If a ship requests permission to move  
10 or to sail, they either say yes or no. If the traffic  
11 allows, they say, "Go ahead". If the traffic situation  
12 at that moment does not permit to move from the berth,  
13 he advises the pilot or the master or whoever is on the  
14 radiotelephone that he has to wait and gives him the  
15 approximate length of time he has to wait and to call  
16 again or he will call again.

17 Q. Have your traffic officers or any officer  
18 of Montreal harbour any power to tell a ship to turn  
19 around at a certain place, for instance, instead of  
20 another place?

21 A. No. We have the power to say where  
22 he not should turn and we can suggest another place.

23 Q. You have the power to say what?

24 A. Where the ship not should make a turn,  
25 which is putting in reverse your question, I suppose.  
26 But there are certain spots where a ship, for safety sake,  
27 should not attempt to make a turn and if the ship would  
28 try that, naturally we would tell him not to.

29 Q. And this is decided from the shore,  
30 isn't it?





English 1

A. That is correct.

2

Q. And the traffic officer giving such

3

instructions to a vessel in Montreal harbour, where is

4

he when he gives such an order to a vessel to turn at

5

a certain spot?

6

A. He is in my office, at Victoria Pier.

7

Q. And the vessel at that time may be at

8

the other end of the harbour?

9

A. That is correct.

10

Q. And do you have authority or power to

11

fine?

12

A. No, I have not.

13

Q. Have any pilots ever been fined by the

14

Montreal harbour for violation of traffic regulations?

15

A. Not by the Montreal harbour, to my

16

knowledge.

17

Q. How would that occur? For instance;

18

you find you have a traffic violation; would you report

19

the pilot or impose a fine or report it to the Pilotage

20

Authority? What would happen?

21

A. The only thing I can do is report it to

22

the Pilotage Authority, who have the power to impose a

23

fine.

24

Q. Now, could it not be the case that the

25

master aboard a ship or a pilot who would be doing the

26

manoeuvring with a ship in the harbour might be in a

27

situation where, in spite of instructions from traffic

28

officers, they would have to make a certain manoeuvre

29

for the safety of the vessel, in the Montreal harbour,

30

and turn at a place where the traffic officer would have







English 1 told them that there should not be any turning at that  
2 particular spot?

3 A. A traffic officer normally would never  
4 say to any ship not to turn in any spot unless he is  
5 aware that the ship is going to do it. There isn't  
6 any emergency reason. If, of course, any ship is doing  
7 such a manouvre, for an emergency, in a case of an  
8 emergency for safety's sake, then he would never  
9 interfere.

10 Q. I see. Do you assume any liability  
11 for accidents which would occur in instances where a  
12 ship would suffer damage on account of directions which  
13 might be given by traffic officers?

14 A. I believe not, no.

15 Q. Do you have every day a list of the  
16 vessels which are going to leave the harbour during the  
17 day?

18 A. We make a list out every day of all  
19 vessels which are leaving in the next twenty-four hours.  
20 This list is compiled around four o'clock in the after-  
21 noon, serving us till the next day at four o'clock.

22 Q. Where do you obtain that information  
23 from?

24 A. We compile this from our card system  
25 which we have in the office of the information which is  
26 telephoned in from the steamship companies.

27 Q. Do you have somebody calling the steam-  
28 ship companies or is it the reverse; is there a rule  
29 that they should call you, or what?

30 A. This is a two-way traffic. The steamship





English 1 companies call us, generally, and the ones that do not  
2 call us and we see the vessels on the signal service  
3 bulletins that they are coming up the river then we  
4 contact the steamship companies and ask their advice.

5 Q. Do you have good cooperation in that  
6 respect?

7 A. With the steamship companies, the best  
8 cooperation.

9 Q. And does it happen that you have ships  
10 which actually leave while they were not on your list  
11 twenty-four hours before?

12 A. You mean sailing without having given  
13 notice?

14 Q. Yes. Well, without having given  
15 that previously, roughly twenty-four hours' notice?

16 A. That has happened very seldom.  
17 This last "Hurricane" I mentioned is one of them.

18 Q. I am not referring to the actual giving  
19 notice. I am referring to giving the previous notice?

20 A. This previous notice also was not  
21 given in this case.

22 Q. But this is a very rare incident?

23 A. Very rare.

24 Q. Do you provide the pilots' office in  
25 Montreal with such a list?

26 A. Yes. These lists are given daily.

27 Q. To the pilotage office?

28 A. That is correct.

29 Q. Do you have the approximate time of  
30 leaving on that list?







English 1

A. They are all marked on there.

2

Q. Do you also have the destination of the ship on that list?

3

4

A. No; only the ship's name, the agent's name, the berth she is sailing from and the approximate time.

5

6

7

Q. So you would not know whether a ship is going up the Seaway or down the river?

8

9

A. Yes. If the ship is going down the river, we do not mark anything. It is just a plain departure. If she is going up the Seaway, we mark the word "Seaway".

10

11

12

13

Q. So that list would show where a ship is heading?

14

15

A. Yes.

16

Q. In general terms, east or west?

17

A. By the Seaway or downbound, yes.

18

Q. As to ships upbound on the river, do they all have radiotelephone?

19

20

A. Not all of them have. Most of them have.

21

22

Q. How do the ships without radiotelephone aboard proceed for giving you their ETA?

23

24

A. That is done through the agents. They give us the approximate time that the ship is due at the north limit of the harbour.

25

26

27

Q. Do you always have for every ship coming to the harbour a previous notice of their estimated time of arrival?

28

29

30

A. Yes, we do. As I just mentioned to





English 1 your previous question, the agents call us or we call  
2 them if we do not get it.

3 Q. And it has never occurred that you had a  
4 ship suddenly appearing at the entrance of the harbour  
5 without having given previous notice?

6 A. It has occurred in the past, yes. It  
7 did happen -- very seldom -- but it did happen. In a  
8 case like that, the ship usually went to anchor.

9 Q. You usually order her to anchor?

10 A. Not because we didn't know she was  
11 coming but because she anchored by herself.

12 Q. How do you proceed about despatching  
13 vessels which are going up the Seaway? What are your  
14 relations and coordination? What is your coordination  
15 seaway despatching service?

16 A. The seaway despatcher is at St. Lambert  
17 Lock and Beauharnois and the traffic officer is in  
18 contact direct with the despatcher at Beauharnois and  
19 whenever a ship wishes to enter the Seaway this ship  
20 contacts our traffic officer by radiotelephone. Our  
21 traffic officer, in turn, has a direct telephone line,  
22 through a land line, to the despatcher in Beauharnois  
23 and asks his permission and gives the ship's name and  
24 her draught and asks the despatcher if he can send the  
25 ship up. If he gets a confirmation, then he calls back  
26 this vessel on the radiotelephone and, if traffic permits  
27 at that time, tells him to proceed to the Seaway.

28 Q. Otherwise, the ship is held up in  
29 the harbour?

30 A. If the despatcher doesn't want that







English 1 certain ship to enter the Seaway at that time -- it could  
2 be for a number of reasons -- then the ship is held in  
3 the harbour.

4 Q. What about the reverse? What about  
5 ships coming out of the Seaway?

6 A. Vessels coming out of the Seaway, it is  
7 more or less the same. The vessel comes out of St.  
8 Lambert Lock. Before she comes out of the lock, the  
9 vessel contacts us by telephone and asks permission to  
10 proceed into the harbour. Approximately at the same  
11 time, the despatcher at Beauharnois calls over the  
12 land line and asks permission for this ship to proceed  
13 into the Montreal harbour.

14 Q. Have you ever been aware of instances  
15 where the Seaway despatchers would order a ship out of  
16 the Seaway and the Montreal harbour despatcher would  
17 prevent the ship from coming into the harbour?

18 A. I can say that these cases could happen,  
19 although I cannot offhand remember any such case. I  
20 can clearly see that this might be the case.

21 Q. What could happen? What solution to  
22 the conflict might there be in a case like this?  
23 Patience, or what?

24 A. Patience is the only thing. Seaway  
25 have a wall to tie up vessels. They can wait.

26 MR. LALONDE: Thank you very much.

27 THE CHAIRMAN: We shall postpone  
28 further cross-examination until after a short recess.

29  
30 ---Short recess.





English 1 ---Upon resuming.

2  
3 MR. JACQUES: With your lordship's  
4 permission, I would like to interrupt the evidence given  
5 by the Harbour Master in order to hear Mr. McAllister,  
6 owner of tugboats here in Montreal.

7 THE CHAIRMAN: Is Mr. McAllister going  
8 to be a long witness?

9 MR. JACQUES: No, sir. He is leaving  
10 tomorrow morning or afternoon for a rather extensive  
11 trip, so if we don't hear him today it will be postponed  
12 until September. He will not be available next week.

13 THE CHAIRMAN: That is all right.

14  
15 JAMES McALLISTER, sworn

16 DIRECT EXAMINATION BY MR. JACQUES:

17 Q. Would you state your full name and age?

18 A. James McAllister, thirty-seven.

19 Q. What is your occupation?

20 A. General Manager.

21 Q. Of what?

22 A. McAllister Towing Limited.

23 Q. What does that company do?

24 A. We are in the tugboat business, docking  
25 and undocking ships in Montreal.

26 Q. In Montreal harbour?

27 A. Yes.

28 Q. Are you the only tugboat company doing  
29 that sort of work in Montreal?

30 A. Yes.







English 1

Q. Would you briefly state to the Commission  
the number of tugs available in Montreal?

A. Ten.

Q. Are you able to tell from memory the  
horsepower of these tugs?

A. They range from 750 up to 1440.

Q. Have you ever received any complaints  
from either the shipowners or the pilots as regards the  
power of your tugs?

A. Yes.

Q. Would you tell us about that, please?

A. Well, I don't recall particular instances.

We have not had any this year yet, and I don't recall how  
many we had last year, but we have had some occasions  
where the master or the pilot felt that the tug that  
was despatched to a particular job was not strong  
enough for that job.

Q. To the best of your recollection, does  
this lack of power result in accidents to shipping?

A. I don't recall of any instance where  
an accident was caused by this lack of power.

Q. What about the masters of your tugs?  
Would you tell us roughly what experience they have had  
in the tugboat business in Montreal harbour?

A. Most of the captains have many years of  
experience in the Montreal harbour.

Q. Have you ever received any complaints,  
either from shipowners or pilots, as regards the com-  
petence of your masters?

A. Yes.





English 1

Q. Would you tell us about that?

2

A. Well, again I can't recall particular

3

instances, but -- and the occasions have not been many,

4

but we do get complaints sometimes.

5

Q. The reason you don't recall, is it

6

because it is not of a serious nature?

7

A. Well, you are asking me to refer to a

8

particular instance. I can recall one incident last

9

year, when we had a 35-knot breeze and the lines were

10

parted and there was some confusion and the master and

11

the pilot referred to the competence of the tug master.

12

But this is a situation where something goes wrong, and

13

somebody has to be at fault. It can however be the

14

tug, the pilot or even the master.

15

Q. In practice who orders the tugs?

16

A. Generally the ship's agent.

17

Q. And does it happen that pilots order

18

tugs?

19

A. It does happen, yes.

20

Q. To your knowledge, does it happen that

21

pilots request additional tugs for a particular job?

22

A. Yes, it does.

23

Q. Would you tell us how you consider the

24

relationship existing between the master of your tug and

25

the pilots?

26

A. Do you mean to describe the relation-

27

ship, or . . .

28

Q. Yes. Who gives the orders to whom,

29

and who has jurisdiction?

30

A. Well, the pilot, being on the bridge







English 1 of a ship, should order the tugs to perform the docking  
2 or undocking, whichever he is doing at the time. The  
3 pilot should signal, or order the tug masters.

4 Q. Do you use radiotelephones on your  
5 tugs?

6 A. Yes, we do.

7 Q. How long have they been in use?

8 A. All the tugs were equipped with VHF  
9 ever since I have been here, and this is my fifth season  
10 in Montreal.

11 Q. Is this radiotelephone used to pass  
12 orders from the bridge to the tug in docking and un-  
13 docking?

14 A. Yes.

15 Q. Has it been found satisfactory so far?

16 A. We find it very satisfactory.

17 Q. Have you received complaints from either  
18 masters or pilots?

19 A. Yes. Some of the masters and pilots  
20 found that, due to the structure of the ship, sometimes  
21 the message doesn't get through. Sometimes the portable  
22 set which the pilot is carrying, sometimes there is an  
23 obstruction and sometimes the message doesn't get  
24 through, and I think this was particularly true when the  
25 portable units were first introduced, and I think a lot  
26 of the cause of that would be lack of experience in  
27 handling the units.

28 Q. In handling the radiotelephone?

29 A. Right.

30 Q. Do you handle ships through the Seaway  
also?





- 1 A. No.
- 2 Q. Do you handle dead ships?
- 3 A. Yes.
- 4 Q. When you do handle dead ships, do you  
5 take pilots?
- 6 A. Yes, and as long as we are on this  
7 subject, we have been ordered to pay the pilots on a  
8 tug basis. In other words, if we are towing a dead  
9 ship down through the seaway, we have been billed by  
10 two pilots, one for each tug. We thought that this  
11 was unnecessary, because the second tug would be  
12 lashed onto the stern, and therefore the pilot is not  
13 really functioning as a pilot for that tug. We would  
14 like to see some other arrangement, perhaps using the  
15 same system as is used in Montreal harbour, of paying  
16 one and one-half times the pilotage rates.
- 17 Q. When you were billed for two pilots,  
18 did you in fact use two pilots?
- 19 A. Two pilots went aboard, and you --  
20 they handled, this I believe has been a little different  
21 on each occasion, but usually they spelled each other  
22 on the lead tug. In other words, they stood alternate  
23 watches on the lead tug.
- 24 Q. Do you ever take any tows down river?
- 25 A. Yes.
- 26 Q. Do you take pilots then?
- 27 A. Yes.
- 28 Q. Do you take one or two pilots according  
29 to the number of tugs?
- 30 A. That is right. Two usually. This







English 1 would not be small tows. There are no pilots on board  
2 those, but in the larger vessels, for instance the  
3 upper lake ships that are being towed dead, and do  
4 require two tugs, we are required to take two pilots.

5 Q. Are the pilots on either tug, or one  
6 on the tug and one on the tow?

7 A. I believe generally the two go on the  
8 lead tug on the way down.

9 MR. JACQUES: Thank you, sir. Your  
10 witness.

11  
12 CROSS-EXAMINATION BY MR. LALONDE:

13 Q. Mr. McAllister, do you have consulta-  
14 tions with pilots once in a while about the operations in  
15 Montreal harbour in particular?

16 A. Yes, usually before the beginning of  
17 the navigation season we try to get together to see if  
18 any improvement can be made in our communications, any  
19 difficulties we may have.

20 Q. Do you meet both the Montreal River and  
21 the Montreal Harbour pilots on such occasions?

22 A. Yes.

23 Q. Do the pilots approach you for such  
24 meetings once in a while?

25 A. Yes, I believe they approached us at one  
26 time on the number of tugs that were used on some of  
27 these tows going down the river.

28 Q. And do they also approach you concerning  
29 the various signal systems between the tugs and the  
30 ships in Montreal harbour?





English 1

A. Yes, however we initiated I think the change. We changed the signals at the beginning of the last navigation season. Most of it was settled before the season.

Q. But it was made in consultation with the pilots?

A. Yes, I think the present system has proved to be satisfactory.

Q. Are the pilots, or representatives of the pilots, in contact with you during the shipping season on various problems once in a while?

A. Yes.

Q. Do you get good cooperation from the pilots in your operations?

A. Yes, we, as I say, when we instituted the signal system, I won't say there was a hundred per cent cooperation from all pilots, but we did get cooperation in the sense that they agreed to the system, and not a hundred per cent -- all the pilots have not been in compliance with the routine set up.

Q. I understand you are also in the business of towing dead ships on the St. Lawrence River and the Great Lakes. Is that the case?

A. Yes.

Q. When does that towing take place? Day and night?

A. Usually, yes.

Q. And how does the towing take place in such instances, you use what, two tugs?

A. It all depends on the size of the ship







English1 and the handling characteristics of the ship. If it is  
2 a particularly awkward job, on some occasions we have  
3 had to put three tugs on.

4 Q. And when you have three tugs, you have  
5 what, one in front, one at the back and one at the side.  
6 Is that it?

7 A. One ahead on the hawser, and one on  
8 each side.

9 Q. Did you have representations from  
10 pilots objecting to night towing of dead ships between  
11 Montreal and Quebec by your company, or by other tugging  
12 companies?

13 A. Yes, they asked me to go to a meeting  
14 to discuss this.

15 Q. Was any conclusion reached in that con-  
16 nection?

17 A. Well, I insisted that if we felt it was  
18 not safe to move down, then we wouldn't move at night,  
19 particularly if we had a ship which had a tendency to  
20 dive, and we were having difficulty with it. We  
21 wouldn't move it, but I felt that if the tow handled  
22 properly we would tow at night.

23 Q. Has there been any occasion on which you  
24 didn't take your tow down at night between Montreal and  
25 Quebec?

26 A. Yes. Well, no, above Montreal. I  
27 don't recall any case where we had to stop. I am going  
28 back five years now. There is a possibility that we  
29 might have stopped at night due to hazy conditions.

30 Q. You don't remember having stopped below





English Montreal?

2 A. I think there was one occasion where we  
3 did. I think we had to anchor at Lanoraie.

4 Q. How long is the line connecting the tug  
5 and the tow?

6 A. Well, we try to keep the main towing  
7 hawser about 250 feet. The shortest we could keep it  
8 and still maintain control.

9 Q. How long have been the largest ships you  
10 have taken down?

11 A. I believe the largest ship was an upper  
12 laker, 580 feet long.

13 Q. And did you have a tug in the back also?

14 A Yes.

15 Q. With a line?

16 A. Usually the after tug is secured  
17 right alongside the starboard quarter.

18 Q. There is no line in the back which  
19 would be extending the length of the ship, if one could  
20 say so?

21 A. No, because it is secured in a way that  
22 when the tug backs it holds the ship. There is a  
23 backing line, in other words.

24 Q. In a curve, for instance, would the  
25 back tug be in operation?

26 A. Yes.

27 Q. And would pull the line?

28 A. He would steer. He becomes the rudder  
29 of the ship.

30 Q. And would there be a line which would







English1 extend from the ship to the tug?

2 A. Three lines.

3 Q. How long would these lines be, approxi-  
4 mately?

5 A. The idea is to keep them as short as  
6 you can, and yet long enough to withstand any surge.

7 Q. What kind of indications do you have at  
8 night on board these tugs and the dead ship as to the fact  
9 that it is being towed?

10 A. Well, tugs show their towing lights,  
11 and the towed vessel carries her regular running lights.

12 Q. Have you ever experienced any difficulty  
13 in controlling some of these tows on the river?

14 A. Yes. Some of them we have had to pro-  
15 ceed with extreme caution, and tie up in the evening if  
16 we feel that it would not be safe to proceed.

17 MR. LALONDE: Thank you.

18  
19 CROSS-EXAMINATION BY MR. LANGLOIS

20 Q. Mr. McAllister, in connection with these  
21 dead ships using two tugs, is it not a fact that the  
22 stern tug is always tied to the starboard quarter, made  
23 fast to the starboard quarter of the vessel?

24 A. This is usually the way we make a tug  
25 fast.

26 Q. And in that case the second pilot  
27 wouldn't be on board the tug, but will be on the bridge  
28 of the vessel being towed?

29 A. I believe in most cases both pilots have  
30 gone up on the lead tug.





English

Q. Do you mean both pilots?

A. Yes.

Q. Are you quite sure of that?

A. I know in many instances.

Q. Is it not the practice to have also the second pilot on the bridge of the vessel being towed?

A. I don't think so. I made one trip.

Q. You have made only one trip on the river?

A. Yes, but according to my masters.

Q. With dead ships being towed through the Seaway where would be the second pilot as a rule?

A. Well, it is my understanding that the two pilots have been on the lead tug.

Q. But you aren't quite too sure, since you have made only one trip?

A. Right, but as I say I have asked my captains.

Q. Is it not important to have the after tug to steer the vessel?

A. Yes, that is what the tug is there for.

Q. Is it not also important for the second pilot to be as close to the stern of the vessel as possible in order to get the necessary clearances, especially in very close quarters, like operating through the Seaway, or negotiating sharp curves?

A. Well, the pilot is there for navigational reasons. The lead tug is the tug that is doing the navigating. The second tug is assisting, and that ship is going to go where the lead tug goes.

Q. Would you say that this would be the







glish 1 case when you have a stern current and you are negotia-  
2 ting a curve?

3 A. Yes, if the pilot is on the lead tug he  
4 is telling the stern tug what he wants.

5 Q. Yes, that is all very well. He will be  
6 leading the tow, but is it not a fact, particularly with  
7 the current on either the port or starboard quarter, a  
8 cross-current, that the forward tug won't be able to  
9 lead the ship in the direction he wants to go?

10 A. What he does is, he tells the stern  
11 tug "Come ahead. Hard left rudder. Hard right rudder.  
12 Go astern." You see, the master on the after tug  
13 can't see ahead of him. Now, he can see to his star-  
14 board side and he can warn the lead tug "I seem to be  
15 getting too close," or "I seem to be falling over to the  
16 other side too far". They are in continuous consulta-  
17 tion, but it is the lead tug that is doing the leading in  
18 the channel.

19 Q. But in order to be able to warn the lead  
20 tug, the master or person in charge of the after tug  
21 would have to have a pretty good knowledge of the river?

22 A. Yes.

23 Q. And is it not a fact that pilots are  
24 supposed to have a better local knowledge of the river  
25 than masters of tugs, who go down to Quebec only once  
26 or twice a year?

27 A. Yes, I would say they have a better  
28 knowledge. That is a better knowledge than a tugboat  
29 master who has only been down the river once or twice.

30 Q. About communications between the tugs





English 1 and the tow. How are these signals, or orders,  
2 passed? Are they passed on radiotelephone or by  
3 whistles?

4 A. Radiotelephone..

5 Q. Radiotelephone at all times?

6 A. Yes. And sometimes, in an emergency,  
7 they would use the tug's whistles. Radio failure, or  
8 something like that.

9 Q. Have you experienced any difficulties  
10 in using the radiotelephone to pass orders when tugs  
11 are very close to a big hull, a steel hull? Don't  
12 you get interference on your radiotelephone?

13 A. Yes, it is a question of where you are  
14 standing. In other words, if you are having inter-  
15 ference you move.

16 Q. You would move your tug?

17 A. No.

18 Q. What would you do?

19 A. If I were on the bridge with a walkie-  
20 talkie I would move to the other side of the bridge, or  
21 whatever I had to do to avoid interference.

22 Q. Do you use walkie-talkies on your  
23 tugs?

24 A. No, we have VHF sets on the tugs, and  
25 the pilots have walkie-talkies.

26 Q. Do pilots have walkie-talkies with them  
27 all the time?

28 A. I would say they are using them now,  
29 about sixty to seventy per cent of them are using them  
30 now.







English

Q. Now, do you sometimes have to resort

to the method of passing orders by word of mouth?

A. This happens sometimes.

Q. Is it not a fact, Mr. McAllister, that

in towing vessels within the harbour here, even if you

have three or four tugs, there is only one pilot on duty

within the harbour?

A. What did you say again? Would you

repeat that, please?

Q. Is it not a fact that when towing vessels

in the harbour, even if you use three or four tugs, you

would have only one pilot on duty in most of those cases?

A. That is correct.

Q. I am not referring to dead ships, of

course?

A. No, you are not referring to dead ships.

Q. I am not. Do you have set rates for

towing in the port of Montreal?

A. Yes, sir.

Q. Is that an extensive schedule or a

simple one?

A. A very simple one. It is on a zone

basis. As you get further away . . .

Q. How many zones do you have in the har-

bour?

A. Four.

Q. What are the rates?

A. They start at \$125 per tug, and up to

\$250 plus. It is over that. I am not quite sure of

the rate for the outer limits of the harbour.





English 1

THE CHAIRMAN: If there is a printed

2 tariff, I think it should be filed.

3 Q. Could you file your printed tariff?

4 A. Yes.

5  
6 ---EXHIBIT NO. 503: Tugboat Tariff, Port of  
Montreal.

7  
8 Q. On the average, how many tugs would  
9 you supply for towing a ship in the harbour? I am not  
10 referring, again, to a dead ship.

11 A. Usually two.

12 Q. Usually two?

13 A. Often one.

14 Q. Now, what about passenger liners?

15 A. It depends on the weather conditions,  
16 the berth the ship is going into. Usually two, some-  
17 times three, depending on the berth, the weather and the  
18 conditions.

19 Q. And on the wind and currents?

20 A. Right.

21 MR. LANGLOIS: Thank you very much.

22

23

24

25

26

27

28

29

30







English

CROSS-EXAMINATION BY MR. MASON:

Q. Mr. McAllister, has your company ever towed dead ships in and about and within the limits of the harbour of Montreal?

A. Yes.

Q. Do you employ pilots on those occasions?

A. We don't employ the pilots; the ship-owners employ the pilots.

Q. The pilot is employed?

A. Yes.

Q. Inasmuch as you mentioned that your masters have had considerable experience in and about the harbour of Montreal, do you feel it is necessary to employ a pilot on these occasions?

A. There should be somebody on the bridge of the ship with a knowledge of the harbour, the local waters, and also how to dock and undock the ship.

Q. You are speaking now not of a dead ship but of a ship that is manned, are you?

A. That is correct.

Q. The question that has been asked of you was related to a dead ship. So, you wish to correct your answer?

A. On that particular question ---?

Q. Yes.

A. Which refers to a dead ship?

Q. Yes, it did?

A. Well, the answer is the same. I mean, there is usually a pilot aboard.





English 1 Q. If you have a dead ship, you mean to say  
2 that one of the two pilots is on board the ship herself?

3 A. Well, if it is a load in the harbour,  
4 there is usually one pilot. It is only coming down  
5 through the channel that two pilots are put aboard.

6 Q. Let us get this clear. When you are  
7 towing a dead ship in the harbour, you are saying that  
8 there is only one pilot provided and that pilot stands  
9 on the ship herself?

10 A. Yes.

11 Q. That is the procedure?

12 A. Yes. I have known cases -- we had the  
13 Department of Transport ship the "C.D.Howe". He came  
14 up without a pilot. It was a dead ship and he had,  
15 would have had no communication with the tugs unless we  
16 had gone down and handed him a radio.

17 Q. When you are towing a dead ship down the  
18 river channel, as opposed to a harbour towage, you have  
19 explained to us that you had to take two pilots in and  
20 that according to your experience those two pilots were  
21 stationed on the lead tug. That is correct?

22 A. I think this is the way it occurred in  
23 the majority of instances.

24 Q. In these cases, what is the second  
25 pilot doing, according to your experience?

26 A. They have been relieving each other.

27 Q. How long is the trip, normally, with a  
28 dead ship from, say, Montreal to Three Rivers?

29 A. We average a little over five miles an  
30 hour and the length of the tow varies tremendously,







English 1 according to the traffic in the Seaway and the weather  
2 conditions. But the trip from Cape Vincent to Montreal  
3 generally exceeds twenty-four, twenty-eight hours, and  
4 frequently it goes over thirty hours.

5 Q. You have told us that about only sixty  
6 or seventy per cent of the pilots use the walkie-talkie  
7 equipment. Would you consider it advantageous if  
8 rules were put into effect making it obligatory to use  
9 the system at all times?

10 A. I believe that the radio method of  
11 communication, in hand, in the ships, is by far the  
12 best and it permits us to provide a much better service.

13 Q. Have you ever made representations to  
14 that effect to the Pilotage Authority?

15 A. Well, we have -- as a matter of fact,  
16 we bought two walkie-talkies and working with the  
17 Regional Supervisor, we experimented with them and be-  
18 cause we were so convinced that this is the best method  
19 to handle ships -- and we experimented with them and  
20 the Pilotage Authority decided to purchase their own,  
21 and those are the sets that are now being employed.

22 Q. Are you aware of the reasons why thirty  
23 to forty per cent of the pilots are not using this equip-  
24 ment?

25 A. I have heard that they have considered  
26 them unwieldy and heavy.

27 Q. Has there been any reason given?

28 A. And I believe some of the pilots felt  
29 that they were not completely effective because of inter-  
30 ference of some sort or perhaps a radio was not





English1 functioning properly.

2 Q. Now, when you refer to these pilots, are  
3 you speaking of the harbour pilots or the river pilots, or  
4 both?

5 A. Both.

6 Q. So some river pilots do not use them and  
7 some harbour pilots do not use them either?

8 A. Right.

9 Q. Now, when you have no walkie-talkie in  
10 use while towing a ship, what is the system of communi-  
11 cation between the ship and the tugs?

12 A. The ship's whistle.

13 Q. Now, this agreement has been reached, you  
14 said, this year between the pilots and your company with  
15 respect to signals. Was that an agreement recorded in  
16 some writing or just an understanding arrived at around  
17 a table?

18 A. No, we came to agreement on these signals  
19 prior to the 1962 navigation season, and we did correspond  
20 and there was correspondence confirming the signals which  
21 we established for Montreal.

22 Q. Have the pilots and your masters always  
23 used these signals since then?

24 A. No. There seems to be a reluctance to  
25 use signals at all.

26 Q. On whose part?

27 A. There was reluctance on the part of the  
28 tugboard captains and on the part of the pilots.

29 Q. For what reason, or are you aware?

30 A. It is hard for me to fathom it. I do







English1 not know why, but, I think through years of making  
2 various moves without signals, some people felt it was  
3 not necessary to go on with it. I have always felt that  
4 one particular man's experience may be that he has never  
5 had any trouble. He may be lucky. But when things  
6 go wrong I always felt there should be a system whereby  
7 the pilot can tell the tug what he wants.

8 Q. Would you then consider it advantageous  
9 if the system of signals was made obligatory for use by  
10 the pilots and your tug masters?

11 A. I believe that the radio communication  
12 system is the best system.

13 Q. But in default of such a system, for one  
14 reason or another . . .

15 A. \* You must have a whistle system and it  
16 must stay in standing because you do have radio failure  
17 and you have to expect a mechanical failure at all times;  
18 so there should be a whistle system. I think the ideal  
19 would be radio communication and a response or a con-  
20 firmation from the tug, by tug whistle or a voice, and  
21 preferably a tug whistle, because this removes any un-  
22 certainty because of lack of communication if his  
23 confirmation did not come through.

24 Q. Would you consider the voice communica-  
25 tion something reliable?

26 A. Yes. I think it is becoming accepted  
27 more and more in all the ports of the world.

28 Q. I am afraid we misunderstood each other.  
29 When I speak of a voice method of communication -- word  
30 of mouth ---





English 1 A. No, I wouldn't consider that reliable.

2 Q. For what reason?

3 A. Very often you have engine noises on the  
4 ship and on the tugs and the tugs are quite a distance  
5 from the bridge. I wouldn't consider it reliable at all.

6 Q. Now, coming back to the whistle system,  
7 you would agree, I take it, that this system if it is to  
8 be safe should be uniform and not left to the whims of  
9 every pilot or every master in the harbour?

10 A. Yes; it should be uniform.

11  
12 RE-CROSS EXAMINATION BY MR. LANGLOIS:

13 Q. Mr. McAllister, I have here a note which  
14 I understand is distributed by your company, advertising  
15 material, "McAllister Towing Limited," and on the back  
16 thereof you have "Towboat signals for Port of Montreal.  
17 All signals to be given by ship's whistle." Then you  
18 have the code to be used. Is that still being issued  
19 by your company?

20 A. Yes.

21 Q. Now, these walkie-talkies do they have  
22 failures quite often?

23 A. No. I find them quite reliable.

24 Q. But you have interference?

25 A. Very little. The VHF sets -- the only  
26 thing to beat it would be the UHF.

27 Q. Have you ever yourself carried a walkie-  
28 talkie?

29 A. Yes.

30 Q. For a number of hours?







1 A. Yes.

2 Q. Do you think a man can stand this,  
3 carrying a walkie-talkie around?

4 A. You do not have to carry it all the time.  
5 You can put it down. Many ships have boxes on the bridge  
6 where you can set them down.

7 Q. But when you want to use them continuous-  
8 ly you have to carry them? If you are moving from one  
9 end of the wheelhouse to the other, you have to carry  
10 them?

11 A. I have used them on the bridge of a ship  
12 and just put it in the box, and when I need to give an  
13 order I walk over and speak into it.

14 Q. But is it not a fact that these are a  
15 bit too heavy?

16 A. Well, it would be better if they were  
17 lighter, but the radio is such an excellent means of  
18 communication I would always carry one.

19 THE CHAIRMAN: I think we have some  
20 evidence that there are many different sets and there has  
21 been much improvement lately. We have seen very small  
22 sets, very handy sets, being operated between tugs and  
23 ships at Port Cartier, I think it was.

24 MR. JACQUES: At Port Cartier and also  
25 at Seven Islands, sir, and the walkie-talkies were  
26 Motorola type.

27 THE CHAIRMAN: I think the others are  
28 too.

29 MR. LANGLOIS: I understand another  
30 type are being provided by the Department of Transport.





English 1 THE CHAIRMAN: I think that the Depart-  
2 ment of Transport was too advanced, too eager, to do  
3 something.

4 RE-DIRECT EXAMINATION BY MR. JACQUES:

5  
6 Q Would you explain to the Commission what  
7 is the meaning of the expression "In irons", referring to  
8 a tug?

9 A. Referring to a tug? Well, that is when  
10 the tug gets in a position where he is on the end of the  
11 line on the ship and he gets in a position where he  
12 cannot swing to starboard. Say he is off the port bow  
13 of the ship and he wants to go to the starboard bow and  
14 the ship is moving slowing ahead and he is unable to  
15 make that manoeuvre, then he is in irons. "In irons is  
16 used on sailing vessels and ships and this is what I  
17 think is meant when they are talking of a tug being  
18 in irons.

19 MR. JACQUES: Thank you.

20 BY MR. LALONDE:

21 Q. Mr. McAllister, would you tell me on what  
22 basis you say that sixty per cent or seventy per cent of  
23 the pilots use the walkie-talkies while there are others  
24 who do not use them?

25 A. Well, I knew I was going to be ques-  
26 tioned on communications and I called our captains in  
27 and asked them. They are working every day, and I said,  
28 "What is the frequency of use -- give me an estimate."  
29 We have no record of it.

30 Q. You have put in the same group the







1 river and the Montreal harbour pilots. Would you know  
2 whether the Montreal harbour pilots use their walkie-  
3 talkies more often?

4 A. Yes. The tugboat skipper felt that  
5 the harbour pilots do use them more frequently than the  
6 river pilots.

7 MR. LALONDE: Thank you.

8 THE CHAIRMAN: It is five o'clock  
9 sharp.

10 MR. JACQUES: Thank you, sir.

11 MR. LALONDE: That is why I stopped,  
12 my lord.

13 THE CHAIRMAN: I have an announcement  
14 to make before we part, with regard to the scheduling of  
15 witnesses. In view of the fact that the Commissioners  
16 have been provided with the Pilots' brief some time ago  
17 and the Commissioners have had an opportunity of reading  
18 it, we are going to go as scheduled.

19 MR. LALONDE: Thank you very much,  
20 my lord.

21  
22 ---At 5.05 p.m. the hearing adjourned until 10.00 a.m.,  
23 July 5th, 1963.  
24  
25  
26  
27  
28  
29  
30



# ROYAL COMMISSION

ON

## PILOTAGE

### HEARINGS

HELD AT

**MONTREAL**

**QUEBEC**

VOLUME No.:

43A

DATE:

July 5, 1963

**OFFICIAL REPORTERS**

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing  
held at the Court House,  
Montreal, Quebec, on the  
5th day of July, 1963.

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Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid-St. Lawrence Pilots; the Cor- poration of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots
Captain J.S. Scott	Technical Advisor to the Commission
Captain F.S. Slocombe	for the Department of Trans- port and liaison officer





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Montreal, Quebec, 4958  
July 5th, 1963

1 FRENCH

2 ---Upon resuming at 10:00 A.M.

3 MR. JACQUES: I have two documents to be filed  
4 as one Exhibit. The first is called Survey of River  
5 Gradient from Champlain Bridge down to Montreal East  
6 Wharf, taken on July 4th, 1963.

7 The second document is entitled Comparison  
8 of Datum of Montreal Referred to Sill of Old Lock #1,  
9 Lachine Canal.

10  
11 ---EXHIBIT NO. 504: Survey of River Gradient from  
12 Champlain Bridge down to Montreal  
13 East Wharf taken on July 4, 1963  
14 together with Comparison of Datum  
15 of Montreal Referred to Sill of Old  
16 Lock #1, Lachine Canal.

17 ROGER THIBODEAU, Recalled and Sworn

18 DIRECT EXAMINATION BY MR. JACQUES:

19 Q. You have the two Exhibits, being #504.  
20 Would you explain the first one, which gives the  
21 gradient? How do you say gradient in French?

22 A. Level of water literally. Of July 4,  
23 1963.

24 Q. The left hand column, it is my  
25 information, represents the buoys, is that correct?

26 A. The points corresponding to the same  
27 points already made for the study of the ice, and the  
28 right hand column indicates the elevation of the water  
29 at the place indicated.

30 Q. Is it on the same basis as for the  
winter?

A. Yes, on the same basis. The same







1 FRENCH

2 reference points.

3 Q. What is an NHB datum?

4 A. An NHB datum is an elevation which has  
5 been adopted by the Harbour of Montreal to eliminate  
6 negative readings in our studies. These elevations have  
7 a relationship determined with what we call the average  
8 mean levels of the sea established by the Hydrographic  
9 Service.

10 Q. On the second Exhibit filed under 504,  
11 do you have reference to the gradients, and do you also  
12 have reference to the National Harbours Board?

13 A. On the second chart you see a comparison  
14 between the average sea water and the Montreal Harbour  
15 datum. One sees that zero mean sea level is equivalent  
16 to the Harbour datum 7559, which means that the elevations  
17 given on the other document, if we want to transpose this  
18 in mean sea level, we have to subtract the datum 7559.

19 Q. And if we want to have the actual depth  
20 in feet?

21 A. Well, this does not give the depth in  
22 feet at the places indicated. It gives only the elevation  
23 of the water above sea level for the given place.

24 Q. If you want to have the actual depth  
25 of water, what do you have to do to the elevations  
26 indicated on the first document?

27 A. This first document will never give the  
28 depth of water at a given point. It is only a reference  
29 point, which says that this buoy is at such an elevation

30





1 FRENCH

2 above sea level.

3 THE CHAIRMAN: The object of this is to avoid  
4 having negative figures?

5 THE WITNESS: Yes, sir.

6 ENGLISH

7 MR. JACQUES: We will resume the examination of  
8 Mr. Ligtermoet.

9 R. J. LIGTERMOET, Recalled and Sworn

10 CROSS-EXAMINATION BY MR. LANGLOIS:

11 Q. Captain, I have in front of me here,  
12 Exhibit #502, and I note that the checks which were made  
13 of the speeds were made during the period from May the  
14 11th to June the 15th, 1962.

15 Would you please tell us whether this  
16 was during the freshet season?

17 A. We don't have a freshet season here in  
18 this port, sir. The normal season starts at the begin-  
19 ning of April, and during May and June we have fairly  
20 good weather.

21 Q. Do you mean that the current is not  
22 stronger in the spring, after the thaw than it is in the  
23 middle of the summer?

24 A. The current is stronger in the beginning  
25 of the season. That is quite right.

26 Q. And would you say that during the period  
27 covered by these checks that the current will be to some  
28 extent greater than it is normally?

29 A. I can't say this for May, for June I  
30







1 ENGLISH

2 believe it is.

3 Q. What is the average current between the  
4 Clock Tower and the Sutherland pier?

5 A. Between the Clock Tower and the Suther-  
6 land pier the average is approximately 4 knots.

7 Q. And what is the maximum current in that  
8 sector of the harbour?

9 A. The maximum would be slightly over 5  
10 knots.

11 Q. Would you say that a ship of the class  
12 of the "Ivernia" has a slow speed of about 8 to 9 knots,  
13 probably 10?

14 A. 8 to 9 seems to be fairly good.

15 Q. And a dead slow of something between 6  
16 and 7 knots?

17 A. I would say 6 knots dead slow.

18 Q. Is it not a fact then, sir, that in  
19 the case of "Ivernia" that an average speed of 8.7 knots  
20 over the ground would be about the lowest speed at which  
21 that ship could be handled with safety?

22 A. I would say that if it was down bound  
23 it would be nearly impossible.

24 Q. But I take it that these checks were  
25 made with down bound ships?

26 A. It is marked on the form, sir, inward  
27 or outward, on the top of each sheet.

28 Q. Well, in the case of the "Ivernia" it  
29 is outward; "Empress of Britain", outward; "Arkadia",  
30 outward; "Empress of England", outward; "Batory",





1 ENGLISH

2 outward; "Carinthia", outward; "Empress of Canada",  
3 outward; "Saxonia", outward. So they are all outward.

4 What is the regulation speed between  
5 the Clock Tower and the Sutherland pier?

6 A. The regulation there is 10 knots, sir.

7 Q. And that is 10 knots over the ground?

8 A. Over the ground.

9 Q. In the case of the "Ivernia", when your  
10 checks show that her speed between the Clock Tower and  
11 Longue Pointe was 9.61, would you say that this is  
12 the lowest speed at which that ship could be safely  
13 handled?

14 A. I would say yes.

15 Q. Would that indicate, sir, that the  
16 regulation speeds for the Port of Montreal are a bit  
17 too low for that type of vessel?

18 A. Well, it seems that the ship did make  
19 it within the 10 knots, so it is not impossible.

20 Q. Would you say that it is safe to handle  
21 the ship at that speed?

22 A. That depends entirely on the circum-  
23 stances of the weather mainly, if there is high winds.  
24 These well built up passenger liners catch a lot of side  
25 wind, and then they have to maintain more speed to keep  
26 their steerage way. That is why our spot checks on  
27 speeds are mainly made on this type of vessel, and not  
28 on low lying cargo vessels.

29 Q. At an average speed of say 9 knots, in  
30







1 ENGLISH

2 the case of the "Ivernia" is it not a fact that a person  
3 handling that ship would have to use her engines to  
4 steer her? He wouldn't be able to steer her with the  
5 rudder alone?

6 A. No, sir, they need the engines to  
7 steer, at least in this strong current.

8 Q. Has any consideration been given to  
9 increasing the speed limit for that type of ship?

10 A. Not to my knowledge so far.

11 Q. Would you know, sir, that the slow  
12 speed of the "Empress of Britain" is 12 knots? Would  
13 that be correct?

14 A. Slow speed 12 knots. I would think  
15 the slow speed is a little below that, maybe 10.

16 Q. Between 10 and 12?

17 A. Between 10 and 12.

18 Q. And half speed would be something  
19 like 16, 17 knots?

20 A. Half speed probably 15.

21 Q. So, when you add a current to the  
22 slow speed of that ship, you have to exceed the speed  
23 limit?

24 A. In the specific spots where there is  
25 high current, yes, that is practically under the bridge.

26 Q. Now, yesterday reference was made to  
27 ships which sailed without advising your traffic officer.  
28 In your opinion, sir, whose responsibility is it to  
29 advise your traffic officer of the movement of the ship?

30





1 ENGLISH

2 Is it the responsibility of the Master or of the Pilot?

3 A. The movement of the ship itself, the  
4 order is given to the vessel by mail, which, in my opinion,  
5 is the responsibility of the Master as well as the Pilot,  
6 as the Pilot acts as an advisor to the Master.

7 Q. Who normally advises your traffic  
8 officer? Is it the Master or the Pilot?

9 A. In all Canadian vessels it is usually  
10 always the Pilot, and in most of the cases of ocean-  
11 going vessels I would say 80% it is also the Pilot.

12 MR. LANGLOIS: My Lord, in this respect I  
13 wish to make a brief remark. Since the Master is always  
14 in charge of his vessel, I would suggest that he would  
15 be the man responsible for advising the traffic tower  
16 of the movement of his vessel.

17 Q. Is it to your knowledge that Pilots  
18 have been penalized for having sailed ships without  
19 first notifying your traffic officer?

20 A. For that specific offence I have no  
21 record that they have been penalized.

22 Q. Now, regarding ETA's for westbound  
23 ships, will you please tell the Commission as to whether  
24 or not Cap St. Michel station is still operating as a  
25 reporting station?

26 A. Yes.

27 Q. All westbound ships then would be  
28 reported to your tower or your office as they pass Cap  
29 St. Michel?

30







1 ENGLISH

2 A. These reports are in the form of a  
3 signal service bulletin, issued twice daily by the  
4 pilotage office.

5 Q. And there is no land communication, by  
6 telephone, to your office to advise of ships coming  
7 in, passing Cap St. Michel?

8 A. No, sir.

9 Q. Now, do you have occasions as Harbour  
10 Master to order stoppages of all traffic in the harbour  
11 for security reasons?

12 A. We have had these occasions, particu-  
13 larly in the case of the sinking of the "Federal Express".  
14 This ship was sunk in the middle of the channel.

15 Q. Would you mind telling the Commission  
16 how this order is passed along to ships?

17 A. By means of radio telephone.

18 Q. Is it passed to individual ships?

19 A. To every single ship, individually.

20 Q. Do you have any signals that you exhibit  
21 to indicate that the traffic is stopped?

22 A. We had, at that time we had at the  
23 wreck position itself, of course, the wreck buoys placed  
24 in the river, and apart from that our office did not  
25 display any visual signals.

26 Q. Supposing for one reason or another you  
27 had to stop all traffic in the harbour, you would then  
28 have no visual signal to exhibit at, for example, the  
29 eastern limit of the harbour, to indicate to incoming  
30





1 ENGLISH

2 vessels that the port is closed?

3 A. At the moment we have not, sir.

4 Q. Then what would happen to ships not  
5 equipped with radio telephone? How would they be advised  
6 that the port is closed?

7 A. We can always reach them by wireless  
8 telegram.

9 Q. Provided they have W/T on board?

10 A. Well, all ocean vessels have. All  
11 inland and local vessels have R/T.

12 Q. Well, you have some coastal vessels  
13 with not even R/T on board?

14 A. That is correct in the case of coastal  
15 vessels.

16 Q. In the case of a vessel coming up river  
17 which has no radio telephone, or with the radio telephone  
18 out of order, if the Pilot can't communicate with the  
19 Harbour Master, what procedure should he adopt? Should  
20 he go to anchor, or go alongside?

21 A. In a case like that, which does  
22 occasionally occur, the ship should go to anchor if he  
23 doesn't know where to go, if he has no berth allotted  
24 to him.

25 Q. If he has a berth allotted to him,  
26 through the agent before he sailed, for example, from  
27 Quebec, he should go to his berth?

28 A. That is right.

29 Q. Now, another question, sir. In the case  
30







1 ENGLISH

2 of a vessel coming up with no radio telephone, and she  
3 has sent a wireless from, say, anywhere above Sorel,  
4 giving her ETA, and if she received no answer, something  
5 could have happened in the Port, the Port might be closed,  
6 what would be the safe measure for the Pilot or the  
7 Master to adopt in a case like that?

8 A. It must be remembered that wireless  
9 telegrams take quite a time to reach our office. In  
10 most cases, if a ship sends a telegram from Sorel, the  
11 distance is too close. The vessel is usually in Port  
12 before we receive the message. But it depends entirely  
13 on what message the Master sends, what he should do if  
14 he doesn't get an answer. If he requests, "Shall I  
15 proceed to my berth?", when he knows his berth, and  
16 doesn't get an answer, I still think he should proceed.

17 Q. Proceed to his berth?

18 A. Yes.

19  
20 CROSS-EXAMINATION BY MR. J. M. JACQUES:

21 Q. Referring back to the matter of  
22 dredging, I understand that you get information as to  
23 the dredging down to the various depths in the Port  
24 Engineer's office?

25 A. That is correct. The dredging Super-  
26 intendent supplies me with the information.

27 Q. In what form do you receive this  
28 information?

29 A. This is in the form of a master plan  
30 of the whole harbour, on which only high spots are





1 ENGLISH

2 marked. These high spots are found by testing, which  
3 starts in early spring as soon as the ice clears.

4 Q. How often do you receive that infor-  
5 mation?

6 A. This chart is corrected every two  
7 weeks usually, and new high spots that are found, or  
8 any that have been removed in the meantime are corrected  
9 on the engineer's own plan, and then exchanged for  
10 the plan which I have.

11 Q. In the light of this information which  
12 you receive twice a month, is it fair to say that you  
13 would not direct a ship to a berth that would be  
14 dangerous to her?

15 A. Naturally not.

16 Q. And therefore there is no need to  
17 advise anybody else?

18 A. No sir. I have to control that per-  
19 sonally.

20 Q. Captain, is it a fact that every ship  
21 must keep continuous radio watch, or else have a means  
22 of receiving emergency messages?

23 A. Are you referring to a ship afloat,  
24 not berthed?

25 Q. A ship proceeding on her way, afloat?

26 A. They certainly have. They have to  
27 keep the continuous radio telephone watch, which is not  
28 always done, I might say, but it is the requirement that  
29 they do.

30 Q. Alternatively, I understand also that







1 ENGLISH

2 they could have, in lieu of a radio watch, something  
3 that is called an alarm watch, that will alert the crew  
4 in the case of an emergency being received, or broad-  
5 cast?

6 A. No. This alarm watch system operates  
7 only by wireless telegram.

8 Q. Therefore it will be possible for you  
9 to reach all vessels from the government radio by having  
10 them broadcast an emergency message?

11 A. Absolutely.

12 CROSS-EXAMINED BY MR. BRISSET:

13 Q. Captain, coming back to Exhibit No. 502,  
14 your check on speed of vessels, I take it that the  
15 figures appearing on the right hand side, average speed,  
16 are all speed over the ground?

17 A. That is correct, sir.

18 Q. And therefore, to determine the speed  
19 through the water, the engine speed, you have to deduct  
20 the speed of the current?

21 A. That is right, sir.

22 Q. Now, Captain, is there kept in your  
23 office a log, recording all radio telephone exchanges  
24 between your office and ships?

25 A. There is. We have a radio log on  
26 which is recorded all the times of the communications  
27 between our traffic office and the vessel, either on  
28 the VHF or MF. Then a very short note of what the  
29 conversation was about, for instance, request permission  
30





1 ENGLISH

2 to sail; advised to stand by; etc., and then, at the  
3 last column the initial of the traffic officer who did  
4 the communication.

5 Q. And these logs are kept in your office  
6 for a certain length of time, I assume?

7 A. Yes, so far. We instigated this in  
8 1958. Since we received the radio telephone in our  
9 office we have kept all of them so far.

10 Q. Do you keep a similar log for  
11 communications coming to your office over the land  
12 telephone?

13 A. If it pertains to ship movements?  
14 Do I understand that you mean ...?

15 Q. Yes.

16 A. Yes, that is recorded on the ship's  
17 record card log.

18 Q. Now, Captain, to give us an illus-  
19 tration, let us assume that a ship requires clearance  
20 for permission to leave her berth this morning at  
21 10:30 and you give her permission; how long will that  
22 permission be good for?

23 A. Fifteen minutes only.

24 Q. So after 15 minutes, if she has not  
25 left her berth she has to call back again?

26 A. That is so.

27 Q. Is this rule strictly followed by  
28 vessels or have you had occasions where there was a  
29 breach of this regulation?

30







1 ENGLISH

2 A. We had a few occasions, not very many.  
3 But we did have a few in which the ship was unexpectedly  
4 delayed after his 15 minutes' time expired and waited  
5 for another 20 or 25 minutes at the berth without  
6 advising our office. Then we started calling this  
7 vessel, asking if she has left and why not. Then  
8 usually we get a reply telling us what the delay is.

9 Q. Have you had cases where the ship  
10 would have left later than the 15 minutes permitted  
11 without again contacting your office?

12 A. I cannot state any specific case, but  
13 I do know this has happened.

14 Q. Have you made a report in this case  
15 to the Pilotage Office and the agents in the same  
16 manner as were done in three other cases you mentioned  
17 of ships leaving without obtaining your office's  
18 permission?

19 A. As I just mentioned, I do not have  
20 a specific recollection of this. I cannot answer this  
21 last question either.

22 Q. Is there a regulation under which no  
23 ship can drop anchor in the harbour without the  
24 permission of your office?

25 A. There is. There is a regulation in  
26 the by-law prohibiting ships dropping anchor in the  
27 main channel. Only anchoring at the anchorage is not  
28 permitted.

29 Q. If a vessel, for one reason or another,  
30





1 ENGLISH

2 wishes to drop anchor, elsewhere than in the anchor area,  
3 what is the procedure followed insofar as notification  
4 to your office is concerned?

5 A. You mean anchoring at the anchorage,  
6 or in the main channel?

7 Q. Outside of the anchorage.

8 A. Outside the anchorage?

9 Q. Yes.

10 A. If the ship, for emergency reasons --  
11 it may happen with low fog that a ship has to anchor  
12 immediately in order to avoid running aground; then  
13 the ship naturally drops his anchor and notifies us  
14 immediately, giving his last position. This is also  
15 usually done by radio telephone.

16 Q. So a ship has to advise your office  
17 in a case like this of dropping anchor?

18 A. Yes. That is imperative that we do  
19 get this because there might be other movements that  
20 this ship is not aware of. The ship may anchor in the  
21 main stream, in fog, while another vessel is on the  
22 way, so, if he does this, he has to tell us right away  
23 so we can inform the other vessels.

24 Q. When you receive this notification,  
25 you then broadcast her position to other vessels?

26 A. That is correct. We make an immediate  
27 so-called "safety call" over the radio telephone, which  
28 is picked up by all vessels on the move as they maintain  
29 their radio telephone watch.

30







1 ENGLISH

2 Q. What of the case of a ship swinging  
3 on her anchor, using the anchor to turn around; is that  
4 reported to your office?

5 A. It is usually not but it might occur.  
6 If it causes a danger to navigation and another ship in  
7 the vicinity, he might report it; but we do not get  
8 many reports like that.

9 Q. Now, I gather from your evidence that  
10 you rely a great deal on the Pilots for the orderly  
11 movement of traffic in the harbour and its safety; am  
12 I correct?

13 A. We do, sir.

14 Q. However, you have mentioned to us that  
15 if there was a breach of your regulations committed,  
16 involving a ship with a Pilot aboard, you would simply  
17 make a report to the Pilotage Authority and I take it  
18 that thereafter the matter is out of your hands; is  
19 that correct?

20 A. That is the procedure we are following  
21 at the moment and we ask the District Supervisor of  
22 Pilots to make an investigation in the matter and  
23 report to us.

24 Q. But you do not always receive any  
25 report?

26 A. We usually do get a report, but it  
27 takes sometimes quite long before we do receive it.

28 Q. Do you believe, Captain, that there  
29 would be some advantage in the harbour authorities  
30





1 ENGLISH

2 exercising a greater measure of control over Pilots  
3 working in the harbour -- Harbour Pilots?

4 A. As you mention the greater measure of  
5 control -- at the moment we have no control at all, I  
6 would say.

7 Q. But would you advocate a greater  
8 measure?

9 A. Yes, I would, sir.

10 Q. Now Captain, yesterday we were told,  
11 by Mr. McAllister of McAllister Towing Company, of a  
12 system of whistle signals arranged between his Company  
13 and the Pilots in respect of various manoeuvres made  
14 to dock or undock ships. Were you here when this  
15 evidence was given?

16 A. I heard it, sir, yes.

17 Q. Would you think it advisable if the  
18 signals to be exchanged under those circumstances be  
19 made standard and obligatory, for instance, by a  
20 regulation of the National Harbours Board?

21 A. The exchange of signals between the  
22 tugs and the Pilot on board the main vessel is a  
23 regulation which has been standardized, I believe, at  
24 the moment, and these refer only, though, to whistle  
25 signals. Naturally, you cannot make a standard regu-  
26 lation for radio telephone because it is all verbal.

27 Q. I agree. I was speaking only of  
28 whistle signals.

29 A. Whistle signals - yes.

30







1 ENGLISH

2 Q. You say they have been standardized,  
3 but I understand there is no regulation making it  
4 obligatory to use the signals and no other signals;  
5 is that correct?

6 A. That is correct.

7 Q. And the question, therefore, I was  
8 asking you whether to promote safety under these  
9 operations within the limits of the harbour it would  
10 not be advisable to have a regulation making the use  
11 of the signals obligatory whenever a ship is docked  
12 or undocked with tugs?

13 A. I think it is advisable to have it  
14 standardized.

15 MR. BRISSET: Thank you.

16 COMMISSIONER SMITH: My Lord, I just wanted  
17 to ask the witness a question to clear up a misunder-  
18 standing. A question was asked by Mr. Brisset and I  
19 do not know the exact phraseology, but it had something  
20 to do with control of pilotage in the harbour. You made,  
21 as I understood it, an answer that some greater measure  
22 of control should be granted and it is not clear just  
23 to whom you were referring. Perhaps I didn't get the  
24 answer properly. Would you just elaborate a little  
25 on that?

26 THE WITNESS: Mr. Brisset asked me if I was  
27 in favour of a greater measure of control over the  
28 Pilots in the harbour and my answer was that I certainly  
29 was.  
30





1 ENGLISH

2 COMMISSIONER SMITH: By whom -- control by  
3 whom?

4 THE WITNESS: By the Board as such or by the  
5 Harbour Master.

6 COMMISSIONER SMITH: The Harbour Master or  
7 the National Harbours Board?

8 THE WITNESS: Which, in fact, would be the  
9 same thing.

10 COMMISSIONER SMITH: Yes. Thank you.

11 RE-DIRECT EXAMINATION BY MR. JACQUES:

12 Q. Are you aware of the content of para-  
13 graph 2 of Section 12 of the Montreal Pilotage District  
14 General By-law, filed as Exhibit 430? I shall read it  
15 to you: "A Pilot shall comply strictly with all  
16 directions given by a Harbour Master relating to the  
17 mooring or unmooring or placing or removing of vessels  
18 within the limits of the authority of such Harbour  
19 Master."

20 A. Yes, I am aware of this.

21 Q. You are aware of this?

22 A. Yes, sir.

23 Q. Am I right in saying then that your  
24 investigations of early departure and reporting same  
25 to the Pilotage Authority were based on that Section?

26 A. They were not specifically based on  
27 this Section, but I think that the Pilotage Authority  
28 should be informed of all these infractions so that  
29 they can take steps to rectify and to prevent the  
30







1 ENGLISH

2 recurrence of these things.

3 Q. Now, you listed several ships which  
4 have exceeded speed limits, among those, the "Ivernia".  
5 Did you ever sail on board the "Ivernia"?

6 A. I never did.

7 Q. Have you ever had occasion to consult  
8 the data on "Ivernia", such as horsepower, speed,  
9 length and breadth and depth, etc.?

10 A. No. I personally didn't go and  
11 actually look into this. As I mentioned before, those  
12 checks, the speeds as recorded last year, which you  
13 have the sheets of there in front of you are not so  
14 great that we were pursuing the case as to exact rates  
15 of speed.

16 Q. But what I wanted to know is if you  
17 had first hand knowledge of what "Ivernia" could do  
18 at slow speed or half speed or dead slow speed?

19 A. No, I have not.

20 Q. What about the "Empress of Britain"?

21 A. I only have a general knowledge of  
22 all ships and the types and horsepowers. The horsepowers  
23 and types are known to us from Lloyd's Register. We have  
24 this all on record.

25 Q. So the slow speeds which you gave for  
26 some of these ships were just guesses?

27 A. They are only guesses on my part.

28 Q. Now I believe that you have a system  
29 here in the Port of Montreal of notices to shipping;  
30





1 ENGLISH

2 is that correct?

3 A. Notices to shipping are issued.

4 Q. Would you explain that system to the  
5 Commission?

6 A. From time to time as the need occurs,  
7 our Department issues notices to shipping which are  
8 comparable to the notices to shipping that, for  
9 instance, the Seaway sends out. These are local notices  
10 as compared to notices to Mariners which are usually  
11 more of a permanent character. These notices to ship-  
12 ping are only temporary, for one or two days or maybe  
13 even shorter periods. For instance, if a dredge is  
14 working in a certain spot in the main channel, or  
15 close to the main channel for a short period of time,  
16 the Harbour Master issues a notice to shipping. This  
17 is in the form of a telephone message to the Pilotage  
18 Office and this will be broadcast either hourly or  
19 twice daily or three times daily, or whatever it is.  
20 It is also written in the Signal Service Bulletin, which  
21 is issued twice a day. So, if this is broadcast, all  
22 vessels and all Pilots are familiar with what is going  
23 on at a certain spot.

24 Q. Is this notice to shipping verbal  
25 only?

26 A. No. This verbal message I give is,  
27 of course, in the -- . To expedite things, to get it  
28 done right away, as fast as possible, I follow it along  
29 the same day with a written letter stating the same  
30







1 ENGLISH

2 message, to the Pilotage Office in the Districts.

3 Q. Do you send that notice or do you  
4 telephone to the District Marine Agent?

5 A. We used to do this before as well. Now  
6 we do only send this message to the District Supervisor  
7 of Pilots as I ask the Signal Service, which is now  
8 under the Pilotage Authority. It is in one office and  
9 it is supervised by the Pilots.

10 Q. So, the dissemination of this infor-  
11 mation is done by the Signal Service; is that it?

12 A. That is correct.

13 Q. And it goes to wherever the information  
14 supplied by the Signal Service goes?

15 A. That is correct.

16 Q. Apart from that do you send these  
17 notices to ship agents in Montreal?

18 A. No, we do not.

19 Q. Strictly to the Pilotage Office?

20 A. To the Pilotage Office and this  
21 Signal Service Bulletin, though, is distributed to  
22 practically, I should say from my own knowledge, all  
23 steamship companies receive it.

24 Q. And it is broadcast also?

25 A. It is broadcast several times a day.

26 Q. Through which station?

27 A. Through the Marine Signal Station at  
28 the Pilotage Office.

29 Q. What information would you pass on  
30





1 ENGLISH

2 through these notices to shipping?

3 A. Whatever is required. As I mentioned  
4 before, it might be, for instance, a dredge which is  
5 close to the main channel or even in the channel. There  
6 will be vessels passing there that would be asked to  
7 reduce speed.

8 Q. When the "Federal Express" sunk in  
9 Montreal Harbour, did you send a notice?

10 A. Yes.

11 Q. When the wreck was buoyed and lighted,  
12 I suppose, did you send notices?

13 A. Another notice was issued.

14 Q. Do you send notices if at any time  
15 you find the water available at the berth is not that  
16 which is indicated on the chart?

17 A. No, that we do not.

18 Q. Why not?

19 A. Because I personally direct the ships  
20 to the berth required and if there is no danger of that  
21 ship, due to her small high spot alongside, I cannot  
22 see any reason for broadcasting it.

23 Q. So the discretion rests entirely with  
24 you?

25 A. That is correct.

26 Q. In the course of your experience, your  
27 total experience here in Montreal, have you known of  
28 any breakdown in the communication system, either radio  
29 telephone or W/T?  
30







1 ENGLISH

2 A. You mean in the three ..

3 Q. Between the harbour and the ships?

4 A. We encountered, in our first year of  
5 operations, and also in 1960 -- the second year --  
6 natural difficulties in our own set, which had to be  
7 adjusted many times at that time; although for the  
8 last two, three years we did not have these difficulties  
9 any more. Our set now is working quite well. However,  
10 I must say that on ships not fitted with radio telephones  
11 the Pilots sometimes have walkie-talkies which I  
12 personally think are not working too well.

13 Q. In the course of your experience, again,  
14 do you know of any case where you could not raise a  
15 particular ship?

16 A. Yes. As I mentioned before, not only --  
17 not in the last year or so -- but these walkie-talkies  
18 to the Pilots were only issued, I think, two years  
19 ago. Before that time there were quite a few ships not  
20 fitted with radio telephones that we could not communi-  
21 cate with at all.

22 Q. Why not? Did they have wireless  
23 telegraphy?

24 A. Yes, they had wireless telegraphy. But,  
25 the wireless telegraph takes so long that by the time  
26 the ship receives the message I would send and before  
27 I would receive the message that the ship would send to  
28 me, there is no necessity any more. The ship may be 25  
29 miles away.

30





1 ENGLISH

2 Q. Or she may be alongside?

3 A. That is correct.

4 Q. And you are trying to tell her not to  
5 go there?

6 A. It is quite useless to use wireless  
7 telegraph in this case.

8 Q. So radio telephone communication would  
9 be the best system, as far as you are concerned?

10 A. That is the best solution to this, yes.

11 Q. And the walkie-talkies which are used  
12 by Pilots, you said that they failed at times?

13 A. The reply we often get from Pilots  
14 why they didn't answer under a walkie-talkie, the  
15 usual reply is that the batteries are dead. I think  
16 it is light a flashlight; when you most need it, the  
17 battery is dead.

18 Q. Do you know the radius of these walkie-  
19 talkies?

20 A. The radius of the walkie-talkies, I  
21 am not personally familiar with it, but I do know that  
22 we often have communications beyond Cap St. Michel,  
23 which is about 15 miles.

24 Q. What ranges would you need for your  
25 communication network here, as far as you are concerned?

26 A. At least 15 miles.

27 Q. 15 or 50?

28 A. 15. For manoeuvring in the harbour,  
29 15 is sufficient; but for reporting a vessel upbound,  
30 she should report at the northern limits of the harbour,







1 ENGLISH

2 which is 32 miles.

3 Q. So you would need, for your own purpose,  
4 a radius of at least 32 miles?

5 A. At least a range of 32 miles.

6 Q. By radio telephone?

7 A. Yes.

8 Q. Do you know of any equipment which  
9 would be capable of rendering that service?

10 A. The equipment we have today on the  
11 VHF set usually reaches that and beyond. We have in  
12 Three Rivers, a radio which operates on the same type  
13 of set as we have in our office, quite clearly.

14 Q. Based on your experience again, would  
15 you say that the number of ships fitted with VHF radio  
16 telephone increases?

17 A. It increases steadily and there is  
18 not many left at the moment that have no radio telephone.  
19 There is many that do not have it.

20 Q. Were you working for the National  
21 Harbours Board here in Montreal when the speed regu-  
22 lations were set down?

23 A. No, this was long before my time.

24 Q. Were representations made to you either  
25 by shipowners or pilots concerning the speed limits  
26 within the harbour?

27 A. This question has never been raised  
28 with me.

29 Q. Do you think that the downbound speed  
30





1 ENGLISH

2 limit of 10 knots, which is edicted in Section 35,  
3 Sub-Section 2, paragraph (f) and sub-paragraph (b) of  
4 by-law A-1, can be increased without danger to shore  
5 installations and to other traffic?

6 A. The downbound traffic in this specific  
7 area, where there is a strong current, I do not see  
8 much danger in increasing this a few miles.

9 Q. I will ask you a question which perhaps  
10 I should have asked Mr. Land or some of the other  
11 engineers, but unfortunately this problem did not come  
12 to my mind before; the danger caused by a speeding ship,  
13 is it in relation to the speed through the water or  
14 speed over the ground?

15 A. Are you referring to the wash of the  
16 ship?

17 Q. That is one thing which would cause  
18 damage?

19 A. That is correct. It is the usual  
20 thing that causes damage here, the wash of the vessels  
21 and the wash caused by a vessel is due entirely to  
22 the shape of the ship, I wouldn't say so much as to  
23 her speed but it would surprise you to see the wash of  
24 a small tug which is travelling at 8 knots. I have seen  
25 this often. It gives more wash than a big liner going  
26 down maybe at a speed of 10 or 12 knots.

27 Q. So, in your opinion, the downbound  
28 speed may be increased?

29 A. That is right.

30







1 ENGLISH

2 Q. And when I say your opinion, I mean  
3 your own personal opinion?

4 A. My own personal opinion. I do not  
5 think there is a great danger in increasing this, say,  
6 2 miles.

7 Q. Then I take it you are not expressing  
8 the official opinion of the National Harbours Board?

9 A. No, sir, I do not.

10 MR. JACQUES: Thank you.

11 CROSS-EXAMINATION BY MR. LALONDE:

12 Q. Mr. Ligtermoet, when you expressed an  
13 opinion about control of Pilots in the harbour, were  
14 you expressing your own opinion or the opinion of the  
15 National Harbours Board?

16 A. I am expressing only my own opinions  
17 here, naturally.

18 Q. You mentioned that you did report  
19 incidents to the Pilotage Authority and that it  
20 sometimes took a long time before you would receive  
21 a report or news about your own report to the Pilotage  
22 Authority, but that eventually, generally it would  
23 come?

24 A. That is correct.

25 Q. What about your reports to the agents;  
26 do you get answers about that?

27 A. I get also answers from them. Sometimes  
28 it might take maybe even longer because the agents have  
29 to contact the Master of the vessel.

30 Q. Are you made aware of any sanctions





1 ENGLISH

2 which might be taken against the Master?

3 A. So far I am not aware of any cases  
4 being officially made against him. It has been in the  
5 form of giving a firm notification of the event.

6 Q. You told the Commission that, in your  
7 opinion, it was the responsibility, the joint responsi-  
8 bility of the Masters and the Pilots to give notice  
9 before leaving, if I understood you well. Is that the  
10 case?

11 A. Yes.

12 Q. In view of that fact, don't you think  
13 it would be advisable if you had a greater control over  
14 Masters also?

15 A. The Master is already bound by our  
16 by-laws. The Pilots are not.

17 Q. What do you mean that they are bound  
18 by your by-laws and the Pilots are not?

19 A. The by-laws state already that the  
20 vessel is not permitted to move without the permission  
21 of the Harbour Master.

22 Q. But my learned friend, Mr. Jacques, I  
23 think mentioned to you a Section in the pilotage by-law  
24 of the District of Montreal in which they state that  
25 the Pilots must abide by all directions and regulations  
26 of the Harbour Master?

27 A. Yes. This is so under the Pilotage  
28 By-laws. It is not in the National Harbour Board by-laws.

29 Q. But in fact doesn't it lead to the  
30







1 ENGLISH

2 same situation that both the Master of the ship and  
3 the Pilot have to abide by the directions of the  
4 Harbour Master?

5 A. Yes, that is so.

6 Q. At least it leads to the same situation?

7 A. Yes.

8 Q. So don't you think that the same rules  
9 should apply and that you should have greater control  
10 over Masters?

11 A. I think, as I mentioned, we have this  
12 control over the Masters and the Pilot's Authority has  
13 this control over the Pilots.

14 Q. But I understand you have the control  
15 over the ship?

16 A. The ship or the Master or the owners  
17 is the same thing in the by-laws.

18 Q. In the by-laws of the National Harbours  
19 Board?

20 A. In the by-laws of the National Harbours  
21 Board.

22 Q. And in view of the Pilotage regulation  
23 and in your opinion that it is the general responsibility  
24 of the Master and the Pilot, isn't it the case that the  
25 Pilot would also be bound by these regulations?

26 A. I would be in favour of that, yes.

27 Q. Isn't it the fact that they are bound  
28 by it at the present time?

29 A. By the Pilotage regulations, yes.

30





1 ENGLISH

2 Q. Which, in fact, integrates the regu-  
3 lations of the National Harbour Board, in saying that  
4 they have to abide by the orders of the Harbour Master?

5 A. That is correct.

6 Q. So, if I understood you, you wouldn't  
7 favour direct control over Masters?

8 A. No; I do not think it is necessary.

9 Q. I see. You have never been made aware  
10 of sanctions being taken against Masters by agents or  
11 owners in that connection?

12 A. No, sir.

13 Q. When the signals were changed by  
14 McAllister Towing Company, were you advised of such  
15 changes or consulted?

16 A. I am sorry, I cannot answer this. At  
17 that time I was Deputy Harbour Master and personally I  
18 was not aware of this at all. It might be that my  
19 predecessor has been in it, but I cannot state.

20 Q. Would you be aware of whether the  
21 Shipping Federation was consulted also at the time?

22 A. No, sir, I can't say that either.

23 Q. You mentioned that many ships do not  
24 have VHF that were coming up the river nowadays. Is  
25 this on the basis of a personal check or a survey or a  
26 careful analysis of the situation, or is it only a  
27 guess?

28 A. It is more or less experience. We  
29 deal with these ships all day long and, naturally, I

30







1 ENGLISH

2 myself, especially when I was Deputy Harbour Master,  
3 was often present in the office when these ships  
4 arrived and came in, and, of course, the ships that  
5 usually don't have a set are going up to the Seaway and  
6 they will be fitted with such a set in Montreal -- a  
7 temporary set.

8 Q. If they are going up the Seaway?

9 A. Yes.

10 Q. But if they don't go up the Seaway  
11 they are not required to have VHF, are they?

12 A. That is right.

13 Q. And the same with radio telephones, is  
14 that the case?

15 A. They have wireless, but they have no  
16 radio telephone.

17 Q. And I am informed that the majority of  
18 vessels which would not go up the Seaway, those which  
19 would just go as far as Montreal, for instance, or  
20 Quebec City, would not have either VHF or radio telephone  
21 on board?

22 A. The majority, in my opinion they do have  
23 radio telephone.

24 Q. The majority would have?

25 A. Yes.

26 Q. Are you referring to ocean going ships,  
27 or all ships?

28 A. I would say 80% of the ocean ships have  
29 radio telephone, and all inland vessels have it.

30





1 ENGLISH

2 Q. If I understand you well, when a ship  
3 comes up the river, is upbound, that ship has to give  
4 notice to the Harbour Master when it gets into the harbour  
5 limits near Sorel. Is that the case?

6 A. Yes.

7 Q. And the ships without VHF or radio  
8 telephone, how do they do it?

9 A. By wireless. They usually give you  
10 notice of their expected time of arrival at these  
11 limits as they are approaching to come in a day ahead  
12 of time.

13 Q. Is that done through the agent?

14 A. Through the agent.

15 Q. What procedure is there for such a  
16 ship? Is it going normally to go to the shed  
17 where it should go without further notice, or should  
18 it go to anchor first?

19 A. If the vessel doesn't get any communi-  
20 cation from its agent, or from our office, to the  
21 contrary, then he should abide by his original orders  
22 to proceed to a certain berth.

23 Q. What means are there in such a case for  
24 a ship upbound without VHF or radio telephone to know  
25 while she is on her way to Montreal from Sorel that there  
26 has not been a sudden disruption of shipping in the  
27 harbour? There might have been an accident, or some-  
28 thing, and she has to get information first.

29 A. Well, in that case the alarm signal  
30 could be given, the SOS signal, the distress signal as it







1 ENGLISH

2 is officially called, which automatically would ring the  
3 automatic set in the wireless telegraph cabin on the ship.

4 Q. Have you ever used that SOS signal?

5 A. In this harbour, no, we have not.

6 Q. You didn't use it even in the "Federal  
7 Express" case?

8 A. No, sir.

9 MR. LALONDE: Thank you.

10 CROSS-EXAMINATION BY MR. LANGLOIS:

11 Q. My Lord, I have a question or two of  
12 the witness just for the purpose of clarification.

13 Captain, when you gave an answer to  
14 my question as to the approximate speeds of ships of  
15 the class of the "Empress of Britain" and the "Ivernia",  
16 these speeds were based on your long experience at sea,  
17 and your extensive knowledge of ships?

18 A. That is right, sir.

19 MR. LANGLOIS: My Lord, in this respect my  
20 instructions are that the figures given by the witness,  
21 and I get this information from Pilots who have been on  
22 board these vessels, were quite close to being exact, and  
23 if anything they were a bit on the conservative side.

24 At any rate, to satisfy my learned  
25 friend, I will have Pilots on the stand to give the exact  
26 slow and dead slow and half ahead speeds, for these eight  
27 vessels.

28 THE CHAIRMAN: In other words, an explanation  
29 for the offences?  
30





1 ENGLISH

2 MR. JACQUES: I would wish to draw my learned  
3 friend's attention to the fact that my witnesses are good  
4 witnesses.

5 Q. Am I to understand, Captain, that in  
6 your traffic control tower that you are keeping constant  
7 watch, listening watch on your FM and VHF sets?

8 A. On both sets we do.

9 Q. Now, in connection with ocean ships  
10 coming up to Montreal, are you aware of the fact that  
11 the majority of ocean ships coming up to Montreal and  
12 then going up to the Seaway rent FM and VHF sets for the  
13 trip into Montreal, and the sets are taken out when the  
14 ship returns to Montreal on the way back to sea?

15 A. That is right. For the trip in the  
16 Seaway they rent these sets.

17 Q. So that would mean that below Montreal  
18 these vessels would not have either FM or VHF sets  
19 available?

20 A. They would not.

21 MR. J. M. JACQUES:

22 Q. With reference to speeds of ships,  
23 you were referring to slow, dead slow, and half speed.  
24 Am I right when I say that this is in reference to  
25 indications given by the bridge telegraph to the engine  
26 room?

27 A. That is correct.

28 Q. I put it to you that the Master of a  
29 ship, given still water and absence of wind, could make  
30







1 ENGLISH

2 his ship move at any speed he wishes by varying the  
3 revolutions of the engine?

4 A. That is possible as well.

5 CROSS-EXAMINATION BY MR. BRISSET:

6 Q. Captain, do you think there is much  
7 logic in a by-law which says the Pilots must obey your  
8 directions, and then if they don't do it there is  
9 nothing you can do about it?

10 A. That is just the reason why I answered  
11 on your previous question that I would be in favour of  
12 having some say in it.

13 Q. As far as ships and Masters are  
14 concerned you can fine them under your by-laws if they  
15 breach the regulations, can you?

16 A. We can.

17 CROSS-EXAMINATION BY MR. LANGLOIS:

18 Q. Captain, do you have any spots within  
19 the harbour of Montreal where you have still water?

20 A. Yes, the upper harbour.

21 Q. In the basins?

22 A. In the basins above the Clock Tower.

23 Q. Not in the channel?

24 A. Not in the channel, no sir.

25 Q. Now, ships manoeuvring in the Port  
26 here would normally be manoeuvring on manoeuvring  
27 speed, wouldn't they, not on sea speed?

28 A. Oh, no, not on sea speed. On manoeuver-  
29 ing speed.

30





1 ENGLISH

2 DIRECT EXAMINATION BY MR. JACQUES:

3 Q. Would you state your full name and age,  
4 please?

5 A. Frederick Charles Oppen, age 57.

6 Q. What is your occupation?

7 A. Assistant Port Manager, Operations,  
8 Montreal Harbour.

9 Q. How long have you been in that position?

10 A. About six years.

11 Q. And prior to that were you in the  
12 employ of the National Harbours Board?

13 A. Yes, I was Port Secretary.

14 Q. Here in Montreal?

15 A. Here in Montreal.

16 Q. For how many years?

17 A. About three years.

18 Q. And prior to working for the National  
19 Harbours Board, did you have any sea experience?

20 A. Yes, sir. I was not far short of 20 years,  
21 all the way from Midshipman, Junior Officer, up to Master.

22 Q. And I presume you have a Master's  
23 ticket?

24 A. I have.

25 Q. When was it granted?

26 A. 1932 or 3.

27 Q. Where was it granted?

28 A. In London, England.

29 Q. Did you sail as Master of a ship?

30







1 ENGLISH

2 A. I sailed as Master of a ship.

3 Q. For how many years?

4 A. Five to six.

5 Q. And on what type of ships did you sail  
6 as Master?

7 A. I was mainly on preventive craft,  
8 light tenders, survey ships, buoy tenders, and other  
9 craft that served the coastline and rivers of the  
10 country.

11 Q. Have you prepared for the Commission  
12 a list of cases of damage to pier installations in  
13 Montreal?

14 A. A list has been prepared, sir. I  
15 did not do it. I have seen it though.

16 Q. You have checked it for accuracy?

17 A. I have checked it for accuracy.

18 Q. Is this the list?

19 A. Yes, sir, that is the list.

20 MR. JACQUES: I should like to file this  
21 document as Exhibit No. 505.

22 ---EXHIBIT NO. 505: List of cases of damage to National  
23 Harbours Board property by ships  
24 manoeuvring in Montreal Harbour  
25 from the beginning of the navigation  
26 season of 1958 to date.

26 Q. Would you explain the contents of this  
27 document to the Commission, starting from the left hand  
28 column?

29 A. The left hand column, sir, is just a  
30 letter to identify different cases. The second column





1 ENGLISH

2 is the date of the incident, according to our records.  
3 I might say that all these are according to our records,  
4 and not taken from memory. The third column is the name  
5 of the vessel involved. The fourth is a very brief  
6 statement of damages to Port property. The fifth  
7 column is in most cases the cost of repairs. Where  
8 repairs aren't completed it is an estimated cost. The  
9 next column states whether or not a Pilot was on board  
10 at the time of the accident, and the final column very  
11 briefly indicates the way the accident occurred, as  
12 reported to the National Harbours Board.

13 Q. And I note from this document that it  
14 doesn't imply any blame on the Pilots?

15 A. No, sir.

16 Q. It was not meant to do so?

17 A. No, sir. This is not an enquiry. This  
18 is a statement of fact.

19 Q. The information concerning damages,  
20 that is obtained from your file also, is it not?

21 A. Yes, it is.

22 Q. And the description of the accident.  
23 That is obtained from your file?

24 A. That is the summary of the information,  
25 yes.

26 Q. From your files?

27 A. From our files.

28 Q. And when you prepare your file, where  
29 do you obtain all this information, let us say description  
30







1 ENGLISH

2 of accident?

3 A. There are various sources under our  
4 present regulations. When there is an accident our  
5 police force and our Harbour Master's office have to  
6 be advised by whoever sees the accident. When it is  
7 not seen, whoever sees the damage and the police go out  
8 and assert their best efforts to get information of the  
9 accident, of the damage. If there is damage, the  
10 Engineering Department is called in. They go out and  
11 examine it, and do their part of it. The Harbour  
12 Master, when he can, he always tries to find out, and we  
13 put all this information to him and from this we try and  
14 get a picture.

15 Q. Now, in cases where Pilots were on board  
16 ships mentioned in this Exhibit, were they interviewed  
17 by anyone from the National Harbours Board?

18 A. In most cases I think it is unlikely  
19 they were. The Harbour Master stated, I think he  
20 stated, that where there is something goes wrong, whether  
21 it is an infraction or an accident, I am not sure if he  
22 said an accident, but the Pilotage Office is notified,  
23 and we ask for information through that source. I don't  
24 think, to my own personal knowledge anyway, but we don't  
25 go directly to the Pilots in the first stage.

26 Q. So the description of the accident would  
27 be arrived at from information obtained either from the  
28 Pilotage Office, and from what other source?

29 A. From our own sources, such as the police

30





1 ENGLISH

2 department, the Harbour Master's Department. The Harbour  
3 Master could send somebody down to interview the Master,  
4 and we do the best we can.

5 Q. And after all this information is  
6 gathered you can have a fair idea of what happened?

7 A. It is sometimes difficult. I think our  
8 main interest is to have an indication of what happened,  
9 but it is to find out if it is due to some fault of  
10 ours, or if somebody else is liable, and if damage is  
11 done, and it is the responsibility of the ship owner,  
12 then we will go after the ship. So that in large part  
13 the purpose for this is to find out wherein the  
14 responsibility apparently lies, and as far as we are  
15 concerned, if it is the vessel or anything to do with  
16 the vessel, we hold the vessel responsible, whether it  
17 is an agent, Master, or crew member, it doesn't matter  
18 under our by-law. "Vessel" is pretty broad.

19 Q. I am advised that this list gives only  
20 the accidents which occurred by ships manoeuvring and  
21 it doesn't include the accidents which would occur when  
22 the ship is loading or unloading, or is alongside, or  
23 perhaps just shifting a few feet ahead or astern. Is  
24 that correct?

25 A. That is correct, sir. I think we were  
26 only asked to provide the Commission with accidents,  
27 it was my impression anyway, when a Pilot was on board.

28 Q. No, I am sorry. The letter stated,  
29 paragraph 14 of the letter dated 17 June, 1963, we

30







1 ENGLISH

2 wanted to know whether there was a Pilot on board or  
3 not?

4 A. No, I think perhaps we misinterpreted  
5 this. I would like to explain to the Commission that  
6 our office is, I suppose like all other offices, very,  
7 very busy, and the advice that you would like us to  
8 appear before you came at rather short notice. We have  
9 done the best we can. I would not like to say that  
10 everything we have is complete, particularly in this  
11 list, and I think that I perhaps overlooked the fact  
12 that you intended other actions. There are a great  
13 number of accidents of other kinds which happen in the  
14 harbour every day. Trucks hit sheds. I don't suppose  
15 you could connect that with a vessel though. Sometimes  
16 ships' booms swing and hit sheds. We didn't understand  
17 that this was your wish.

18 Q. Coming back to accidents, this list  
19 is, of course, not complete, and it states in all cases  
20 but one that there was a Pilot on board. The accident  
21 under the letter G states: "Unknown". It is the case  
22 of the USN Floating Dry Dock, the RD 17.

23 From memory are you able to tell the  
24 Commission of any other accidents by manoeuvring ships  
25 where there was no Pilot on board?

26 A. It has been brought to my attention --  
27 you must understand, sir, that I am not in the Harbour  
28 Master's Office and most of the information I get is  
29 second hand. It comes to me when something is wrong.

30





1 ENGLISH

2 When a ship has to move a short distance they will often  
3 leave, for instance, drain spouts down in the hold of  
4 the ship, and forget to bring them out. Sometimes the  
5 spouts, or the other gear is secured to the ship, and  
6 they forget it is being pulled down by the ropes of the  
7 ship, and it is broken.

8 Q. Excuse me for interrupting you. You  
9 have been talking about drain spouts being in the hold  
10 of a ship. At that moment the ship would be in the  
11 process, or would have been in the process of loading  
12 or unloading?

13 A. Correct.

14 Q. It would not be manoeuvring to come  
15 alongside, or to leave outward bound?

16 A. No.

17 Q. More particularly would you recall any  
18 cases of accidents by ships not handled by Pilots coming  
19 alongside or going alongside or travelling within the  
20 harbour?

21 A. Well, excluding tugs, which I believe  
22 don't normally carry Pilots, I can't recall any cases.

23 Q. You can't recall any cases?

24 A. No.

25 Q. There might be some?

26 A. I think it is very unlikely, but I  
27 don't know of any.

28 Q. The number of accidents listed in this  
29 document, Exhibit 505, would you say that having regard  
30 to the number of ships which call in Montreal it is a







1 ENGLISH

2 good record?

3 A. I don't think it is bad, sir, no. These  
4 lists, of course, are only ones where harbour property  
5 was damaged. There are other accidents not recorded  
6 here, but I don't think it is too bad.

7 MR. JACQUES: I would go farther than that.  
8 I would say it is good. This is a period of five years.

9 MR. LANGLOIS: Why don't you suggest very  
10 good?

11 MR. JACQUES: I will leave you to suggest  
12 very good.

13 Q. As regards the cost of repairs, would  
14 you consider a cost of between \$1,500 and \$2,000 a  
15 major accident?

16 A. No, sir, under today's prices that is  
17 not a major accident.

18 Q. So, in fact, there would be one major  
19 accident, which is under the letter K, May the 5th,  
20 1963, SS "Lake Ontario", and the estimated cost of  
21 repairs is \$25,000. That would be a major one?

22 A. Yes.

23 Q. Now sir, would you tell the Commission  
24 whether you have any difficulties or problems, with the  
25 Pilots, either Harbour Pilots or River Pilots?

26 A. In my capacity as Assistant Port  
27 Manager, I don't deal directly with Pilots very much.  
28 Occasionally they come in and discuss things with me,  
29 and I do with them. So I am not really competent to  
30





1 ENGLISH

2 answer that question.

3 Q. But when they come in and discuss  
4 problems with you, what is the nature of these problems?

5 A. It is usually to do with the operation  
6 of automobiles on the harbour, and they have come in  
7 about the radio telephone. They come in very rarely.

8 Q. What about radio telephone? What was  
9 the result of these consultations?

10 A. There was no change in Board policy.

11 Q. What is the Board policy in respect  
12 to radio telephone?

13 A. About the time the Seaway opened, I  
14 think it was in 1958, traffic was increasing in the  
15 harbour. We foresaw a considerable increase after the  
16 Seaway opening, and rather than having conditions in  
17 the harbour which we could not control, we applied for  
18 radio telephone to the Department of Transport, and  
19 they allocated to us one safety calling length on the  
20 high frequency wave length, one safety band on the  
21 medium frequency, and then two working wave lengths  
22 on high frequency, and one working wave length on  
23 medium frequency. We have had those throughout.

24 I might say that the medium frequency  
25 was only on a temporary basis. I further understand  
26 that this is not intended, this particular band is  
27 not intended for communication between such an office  
28 as ours, the Port Authority, and ships, but as at that  
29 time so few ships had VHF they allowed us to have the  
30







1 ENGLISH

2 medium frequency for the time being, and they are still  
3 letting us continue with it.

4 Q. Would you say that there would be an  
5 increase in the efficiency of the operation of the  
6 harbour if all ships were fitted with radio telephone?

7 A. Yes, sir, I do.

8 Q. Would the efficiency be increased to  
9 any substantial extent?

10 A. I think it would be much safer.

11 Q. Much safer?

12 A. If all ships had radio telephone.

13 Another purpose behind our installing this radio  
14 telephone was, (a) where we were aware that at an  
15 international radio communications conference these  
16 frequencies had been recommended internationally, and  
17 already accepted by some countries, and it was hoped  
18 that Canada would accept it, and the Canadian authorities  
19 felt it was the proper frequency.

20 We did not want many different frequen-  
21 cies, because we wanted ships working up the harbour  
22 to be able to hear the messages between the Harbour  
23 Master's Office and ships, so that they could know  
24 what other ships were doing, and follow perhaps things  
25 they couldn't see. They might hear the Harbour Master  
26 giving permission to a ship to sail in 15 minutes, and  
27 they would be ready for it coming down. They would be  
28 in a position to know what they might need in their  
29 manoeuvring.

30





1 ENGLISH

2 Q. Have you ever had any consultation with  
3 Pilots as regards speed within the harbour?

4 A. I personally don't recall ever having  
5 such a conversation.

6 Q. Do you recall receiving representations,  
7 or recommendations, from Pilots or ship owners, as  
8 regards speed?

9 A. Apart from complaints, very rare, but  
10 the odd complaint, from a ship owner about a ship going  
11 too fast and endangering -- not a ship owner. I should  
12 say a ship agent -- endangering a ship moored in the  
13 harbour, I can't recall any conversations.

14 Q. Have you ever contemplated taking  
15 proceedings against speeding ships?

16 A. Yes, sir, we have. We are reluctant  
17 to take proceedings as long as things go along with  
18 reasonable safety, but we have warned shipping companies,  
19 and I think it could be that if they had proceeded  
20 dangerously, that we would have to proceed against them.

21 I would like here to give my own  
22 information on this speeding. I think the Harbour Master  
23 brought out the fact that different ships caused differ-  
24 ent disturbances, and furthermore, under different  
25 weather conditions, ships may have to increase speed  
26 in order that they can steer safely. We have in our  
27 by-law a speed limit. If I were personally asked if  
28 they had to keep to that at all times, I would probably  
29 say -- and I am not speaking now for the Board, this  
30 is a personal opinion -- that if a ship were coming up







1 ENGLISH

2 river and there was a Force 6 or 7 or 8 wind on the  
3 beam and they asked "Can I exceed speed in order to  
4 navigate safely?", I would say "Yes, but you are still  
5 responsible for any damage that may occur to ships  
6 moored along the banks." I think one has to be reason-  
7 able when you are working with ships. They are not  
8 quite the same as land vehicles.

9 Q. So, the infractions of the speed  
10 limits stated in Exhibit 502, which I show you, would  
11 not, in your mind, constitute a serious infraction to  
12 your by-law? They are half a knot, .8, .9 or a knot and  
13 a half?

14 A. I wouldn't know how to interpret  
15 "serious infractions". As far as I am concerned, it  
16 is an infraction of the by-law. From then on it is  
17 up to the lawyers.

18 Q. Have you heard the evidence given by  
19 Captain Murray, the Port Warden?

20 A. No, sir.

21 Q. You have not?

22 A. No.

23 Q. You are aware that the Port Warden's  
24 Office has established under the keel clearance?

25 A. Yes, sir.

26 Q. Applicable for outbound ships only?

27 A. That is correct.

28 Q. And not inbound?

29 A. That is correct.

30 Q. What are your views on under the keel





1 ENGLISH

2 clearance from the point of view of safety of property,  
3 safety of operation of the harbour?

4 A. If I might premise this again, I am  
5 not speaking for the Board. This must be a personal  
6 opinion. I have personally studied the manoeuvring of  
7 ships in narrow or shallow waters for quite some time.  
8 I have read various articles on it and I have discussed  
9 it with such competent authorities as I can find and the  
10 further I go into it, the less I realize I know.

11 Undoubtedly, in the restricted channels  
12 there is an effect on ships. It is my opinion that the  
13 ship design has a considerable bearing on the magnitude  
14 of the effect. I also believe that the speed of the  
15 propeller, in other words, the power used to draw the  
16 water past the ship, has a considerable bearing on the  
17 sinkage of the ship. It draws water away from the side  
18 of the ship and the ship has to be balanced. The under-  
19 water floating portion has to be sufficient to carry  
20 the weight of the rest. I am told that ships designed  
21 with propellers in tubes within side of ship, where the  
22 water is sucked in like a jet aircraft and comes out  
23 at the stern, that the sinkage effect is much less. They  
24 do not get the water drawn away from the side. So it  
25 is a subject, I think, that all of us have a lot to  
26 learn about. I wouldn't like to be too definite, but  
27 there is an effect and in certain circumstances it is  
28 considerable. I have discussed it with Masters of upper  
29 lake vessels. I have read reports on tests of tankers,  
30







1 ENGLISH

2 which is the same sort of form as the upper lake vessels,  
3 and from my own experience in the Suez Canal, it appears  
4 that some ships go down by the head and some go down  
5 by the stern. There were two different reports which I  
6 read. One said that the slower ships usually go down  
7 by the head; as they increase speed they go down by  
8 the stern. Another report was exactly the opposite to  
9 that.

10 Q. So the problem of squat or an increase  
11 in draft really exists?

12 A. I am sure it does.

13 Q. Exactly by how much and where?

14 A. That is where I am not competent to  
15 speak.

16 Q. Would you recall any instances of ships  
17 coming up to Montreal and grounding in the channel or  
18 near the channel?

19 A. Near the channel, yes. In the channel,  
20 I personally can't recall any. I feel that perhaps  
21 the Harbour Masters themselves might be more competent  
22 than I in answering that question; but ships near the  
23 channel, out of the channel, yes.

24 Q. In the channel you do not recall any  
25 cases?

26 A. No, sir. I mean just at a berth,  
27 leaving a berth, there have been the odd report. That is  
28 in a berth that is not in the channel -- no, not in the  
29 channel.

30





1 ENGLISH

2 Q. When you say in a berth -- whilst  
3 loading?

4 A. Whilst loading, yes.

5 Q. Do you recall any instances of ships  
6 leaving Montreal and going aground in the channel?

7 A. For the minute, I can't. I am not  
8 prepared to say there haven't been any, but I can't  
9 recall any when you say "in the channel".

10 Q. Are you familiar with the change-over  
11 procedure for Pilots taking ships through the Seaway?

12 A. Only from hearsay. I have sat in at  
13 meetings and I have heard people talk about it but I have  
14 no direct knowledge of it.

15 Q. Are you in a position to express an  
16 opinion on behalf of the Board in this respect?

17 A. The Seaway does not come under us, and  
18 I am not sure if the Board would like to give an opinion  
19 on that. It is outside our jurisdiction.

20 Q. Do you think that from the point of  
21 view of manoeuvring of ships in the harbour that the  
22 Board might be interested in this problem?

23 A. For manoeuvring ships in the harbour,  
24 definitely.

25 Q. Do you think that the changing of  
26 Pilots within the harbour has a bearing on the manoeuvres  
27 of the ship within the harbour?

28 A. Do you mean the present system whereby  
29 a ship comes to anchor, I believe at Longue Pointe and  
30







1 ENGLISH

2 then changes Pilots and gets up to St. Lambert Lock?

3 Q. No. I would say a ship under way going  
4 up the harbour and changing Pilots within the harbour,  
5 whilst under way?

6 A. We would be interested because it adds  
7 to the problems of the Harbour Master.

8 Q. Would you care to say how it would add  
9 to the problems of the Harbour Master?

10 A. Well, he has a ship stopped, possibly  
11 not anchoring but not so manoeuvrable as it is, perhaps,  
12 when it is moving along at 6 or 7 knots, maybe just  
13 lying, drifting with the current. It depends on circum-  
14 stances and not everything works the same way. Further-  
15 more, there is a ship in the channel, maybe other ships  
16 wanting to pass and this ship may swing across the  
17 channel with a wind while it is waiting. Various  
18 things can happen. This is a problem that can be  
19 solved. It could be taken out of the channel and put  
20 in some other place and change Pilots.

21 Q. Do you think that the changing of  
22 Pilots under way in the Harbour of Montreal would  
23 increase the hazard to navigation?

24 A. Not to any material effect, I don't  
25 think so, providing the Pilots, the boat was always on  
26 time. If the ship had to wait and drift around or  
27 anchor suddenly, I wouldn't be at all happy.

28 Q. In your past experience, have you been  
29 able to establish a pattern as between lakers and deep-

30





1 ENGLISH

2 sea ships, lakers without pilots and deep-sea ships  
3 with, as regard accident records, manoeuverability and,  
4 generally speaking, the safety of the harbour?

5 A. No, sir. I am not out on the harbour  
6 nowadays enough to watch many cases. When cases come to  
7 me, it is usually because the Harbour Master's Depart-  
8 ment has gone as far as he can and finds himself not  
9 getting what he needs and asking for help, and he refers  
10 it to me.

11 Q. When would the Harbour Master need  
12 help from you?

13 A. If he can't get a satisfactory solution,  
14 or something else, to a problem. The Harbour Master  
15 is one of the Departments that report to me and he runs  
16 his own Department and naturally I do not interfere with  
17 him. Policy matters come from the Board down through  
18 me, but he does not report every case to me. But if he  
19 needs a little help, then he will. So I hear about it  
20 then, but I do not get very close to the operational  
21 details.

22 THE CHAIRMAN: Mr. Jacques, do you still have  
23 many questions?

24 MR. JACQUES: Perhaps we might adjourn now,  
25 My Lord, if you wish.

26 THE CHAIRMAN: We will recess for a few  
27 minutes.

28 ---RECESS.

29 Q. Now, under Section 32, Sub-Section C  
30







1 ENGLISH

2 of By-law A-1, applicable to Montreal, you may place a  
3 Pilot in charge of a vessel. Have you ever had occasion  
4 to use that by-law?

5 A. I don't recall it having been used.

6 MR. JACQUES: Thank you. Your witness.

7 CROSS-EXAMINATION BY MR. LALONDE:

8 Q. I would like to refer you to Exhibit 505  
9 which you have produced this morning.

10 A. Is that the one on the list of damages?

11 Q. Yes, please.

12 A. Yes.

13 Q. There are 12 accidents reported in  
14 that list. Is that the case?

15 A. That is correct.

16 Q. And this covers a period of five years?

17 A. Correct.

18 Q. From roughly May 13, 1958 to May 13,  
19 1963?

20 A. Correct.

21 Q. Would you know, roughly, the number of  
22 entrances and exits in the Harbour of Montreal during the  
23 last five years, or an average per year during the  
24 period covered by this Exhibit?

25 A. I think the Harbour Master gave an  
26 answer about 6,000. I am not prepared to estimate closer  
27 than that at this time. I am prepared to provide annual  
28 reports, if necessary.

29 Q. That would be roughly 6,000 entrances?  
30





1 ENGLISH

2 I refer you to the annual report of the National Harbours  
3 Board, 1961, produced as an exhibit -- Exhibit No. 479 --  
4 which mentions at page 63 the number of vessel arrivals  
5 in the Harbour of Montreal from 1957 to 1961. I will  
6 limit myself to the years covered by your own Exhibit.  
7 The figure you gave is very close indeed. It goes  
8 from 6,002 in 1958 and 6,482 in 1959, 6,211 in 1960 and  
9 6,092 in 1961. The figure for 1962 is not available  
10 yet. I presume it is a fair assumption that there  
11 were roughly the same number of departures?

12 A. Within one or two ships, yes.

13 Q. What happened with the others? Did  
14 they sink?

15 A. No, sir, they wintered here. Some years  
16 we get a few more wintering and some a few less.

17 Q. This would roughly make, therefore,  
18 for a period of 5 years, a total of 30,000 arrivals  
19 and roughly 30,000 departures?

20 A. Yes.

21 Q. That would be 60,000 entrances and  
22 exits?

23 A. Right.

24 Q. Would you also have, roughly, the  
25 number of moveages made in the harbour during the normal  
26 year?

27 A. No, sir. We keep a record of that but  
28 we do not keep it statistically. If it is in order, I  
29 would like to suggest, sir, that perhaps the Pilots would

30







1 ENGLISH

2 have that because I believe they charge for moveages.

3 Q. I am reliably informed, and subject to  
4 further proof, My Lord, by the Superintendents, when they  
5 appeared before the Commission as witnesses, -- that the  
6 number of moveages would roughly vary between 5,500 and  
7 6,200 over that period. If we were to take a rough  
8 average of, let us say, 6,000, subject to correction,  
9 that would be another 30,000 movements of vessels over  
10 the last five years?

11 A. It would, yes.

12 Q. Which would bring the number of move-  
13 ments of vessels in the harbour to around 90,000 during  
14 the last five years? If we count this total of 90,000  
15 entrances, departures or moveages in the harbour, would  
16 you say that a record of 12 accidents to the harbour  
17 installations is an excellent record?

18 A. I would go so far as saying it is very  
19 good. In Montreal the construction of our wharves is  
20 a very strong and heavy reinforced concrete. It is not  
21 a wooden pile that is easily pushed around. So an awful  
22 lot of ships hit our walls and suffer damage but do not  
23 damage the harbour and I think it is the strong structure  
24 of our walls that help -- apart from slivers to the  
25 Pilots.

26 Q. Then we will make it a joint responsi-  
27 bility, like the case given by Mr. Ligtermoet before, I  
28 suppose? I think you were asked a question about the  
29 fact that on this list the number of cases listed were  
30 all cases of Pilots aboard, except one, where it was





1 ENGLISH

2 unknown. Are you aware whether these would all be  
3 Pilots under the Pilotage Authority?

4 A. No, sir, I wouldn't know that. But,  
5 I think they are.

6 Q. Would you be aware that the S.S.  
7 "Tadoussac", which was referred to before as having  
8 caused an accident on letter "I" does not take licenced  
9 Pilots but has a Company Pilot due to an exemption in  
10 the Pilotage By-laws of the District?

11 A. I didn't know that.

12 Q. You were also asked whether you had  
13 any information as to the cases where damages would  
14 have been caused to your installations by ships without  
15 Pilots and you said you didn't have any information in  
16 that respect. I think it would be worth while knowing  
17 a little bit more about this and, in particular, I  
18 refer you to Exhibit 430, which is "Montreal Pilotage  
19 District, General By-law", and Section 4 of the by-law,  
20 paragraph 1 of that by-law -- do you have a copy?

21 A. Yes, I have one. Thank you.

22 Q. It says that: "Pilotage dues set forth  
23 in the schedule shall be paid in respect of all vessels  
24 unless exempted by the Act or provided by law." Then,  
25 paragraph 2 proceeds to exemptions and it says: "Vessels  
26 of 1500 tons and over employed in voyages specified in  
27 Sub-paragraph I of paragraph E, of Section 346 of the  
28 Act, except passenger vessels regularly employed in  
29 voyages of the St. Lawrence River and on the Sagueny  
30 River, not extending below the eastern limit of the







1 ENGLISH

2  
3 Pilotage District of Quebec ... " -- and I think this  
4 refers to the passenger ships of the Canada Steamship  
5 Lines at the present time -- "and all vessels employed  
6 in voyages specified in Sub-paragraphs ii and iii of  
7 Paragraph E of Section 346 of the Act shall pay  
8 pilotage dues as set forth in the schedule." Section  
9 346, Sub-paragraph ii and iii of paragraph E refer  
10 to steamships registered in any ports of her Majesty's  
11 Dominions, "(ii) Employed in voyages between any one  
12 or more of the Provinces of Ontario, Quebec, New  
13 Brunswick, Nova Scotia, Prince Edward Island or  
14 Newfoundland, and any other or others of them, or  
15 between a port in any one of said provinces and any  
16 port in or beyond Hudson Strait or between a port in  
17 any of the said provinces and any port in the U.S.A. on  
18 the River St. Lawrence or the Great Lakes; or (iii)  
19 Employed in voyages between any port in the said provinces  
20 or any of them and the port of New York or any port of  
21 the United States of America on the Atlantic, north  
22 of New York "

23 By reading this Section, you would  
24 have as exempt from compulsory payment of pilotage dues  
25 some few passenger vessels which do the Saguenay cruise  
26 and what we might call a certain number of coastal or  
27 inland vessels. Assuming that all, if not -- at least  
28  
29  
30





1 ENGLISH

2 a very, very great majority of all ships which are  
3 subject to compulsory payment in fact take Pilots,  
4 wouldn't it be the case that the vast majority of ships,  
5 the great majority of them in Montreal Harbour, would  
6 have Pilots on board?

7 A. I would think so, yes, sir.

8 Q. And that a large number of those not  
9 having Pilots would be smaller coastal vessels?

10 A. Quite frankly, Your Honour, I would  
11 have to read the Act more carefully. I have just got  
12 a copy of this by-law and it is not within my jurisdic-  
13 tion. I am not very familiar with it.

14 Q. Now, have you been able to compare the  
15 situation as to accidents with other harbours, either  
16 in Canada or abroad?

17 A. I can't recall that we have compared  
18 the accidents, no, sir.

19 Q. You referred to the strong structure  
20 of your installations. Do you know of many harbours,  
21 many of the large harbours in Europe or in North  
22 America which have the same current as you have in  
23 certain places as in Montreal?

24 A. There are a lot of harbours with tides.  
25 You get tidal currents that vary.

26 Q. I see. Do you have a lot of harbours  
27 with a six knot current -- up to six knots or five knots?

28 A. Not too many. It would be the maximum,  
29 I think, if they had it.

30 Q. You referred to radio telephone instal-







1 ENGLISH

2 lations and you said it would be much safer if all  
3 ships were required to have a radio telephone. Do you  
4 know what the situation is in a harbour like New York,  
5 for instance?

6 A. No, sir. I do not know what the  
7 situation is.

8 Q. Do you know of any harbours where they  
9 have compulsory radio telephone on board?

10 A. No. I do not know of any that are  
11 compulsory but I have been advised by some other  
12 authorities that where ships do not have radio telephones  
13 that they can obtain portable sets, presumably in the  
14 same way as the Department or the Pilots in this part  
15 of the world take them on board.

16 MR. JACQUES: Thank you very much.

17 CROSS-EXAMINATION BY MR. LANGLOIS:

18 Q. Captain Oppen, coming back to Exhibit  
19 505, would you be able to tell the Commission which  
20 instances of cases reported that ships were assisted  
21 by tugs when the accident occurred?

22 A. I could not from memory. We would have  
23 to investigate further.

24 Q. I understood from your testimony,  
25 Captain, that you did not, and I do not blame you for  
26 not having done it, go to the bottom of things and find  
27 out what was the real cause of these accidents, and I  
28 have in mind the possibility of some of these accidents  
29 having been caused by the Pilot or Master receiving  
30





1 ENGLISH

2 wrong engine movements, or the tugs giving the wrong  
3 manoeuvres, but there is a possibility there?

4 A. Most definitely yes.

5 Q. Now, in the case of the "Asia", under  
6 the letter J, which is on page 3 of your statement, it  
7 is indicated that the accident was due to the parting  
8 of the tow rope, and am I right in assuming that this  
9 accident was not due to the fault of the Pilot?

10 A. I can't say, sir, but down here we  
11 have entered on this sheet the information that we have.  
12 We didn't have a formal enquiry into what was behind  
13 it.

14 Q. Also the case of the U.S. Floating  
15 Dry Dock. Evidently this was a dead ship?

16 A. The Floating Dry Dock was a dead ship.

17 Q. Under tow of the tug "Moran", right?

18 A. Yes, sir.

19 Q. There again there is a possibility that  
20 this accident was not due to the Pilot, if there was a  
21 Pilot on board?

22 A. That is correct, yes, sir.

23 Q. Again, in the case of the "Lake  
24 Ontario", on the last page under the letter K, the  
25 description of the accident, and correct me if I am  
26 wrong, would probably indicate that the accident was due  
27 to the structure of the ship, because she had too wide  
28 a flare, and the flare caught the gallery?

29 A. I don't think that was the intention,  
30 sir. I think that whoever it was wrote the report out







1 ENGLISH

2 in order that it would explain to myself and other  
3 interested people what appeared to have happened. He  
4 was not trying to indicate that it was the fault of  
5 the vessel. Most ships have a flare, and it was the  
6 flare that caught the gallery. I don't think he is  
7 trying to criticize the design of the ship, or anything  
8 of that nature.

9 Q. But apparently this ship, from the  
10 description of the accident, it had quite a wide flare?

11 A. I don't think she was unusual.

12 Q. Also in connection with the accident  
13 caused by the "Burgholm", letter V. Again there  
14 mention is made that the accident was caused by the  
15 flare of this ship touching electric wire poles, and  
16 there could be the possibility of no blame attaching to  
17 the Pilot either?

18 A. Oh, yes sir. It is not a list of  
19 Pilots' infractions. It is a pure statement of facts.  
20 I don't know who was to blame in any of them.

21 Q. I understand that, Captain, but I  
22 would ask you to understand my query here. I am  
23 trying to avoid any inference in the testimony of  
24 blame on the part of the Pilots.

25 Lastly you have also the "Cairndhu,"  
26 under letter C, where there would also be an indication  
27 that this accident was not due to a manoeuvre on the  
28 part of the Pilot, because the forward spring parted  
29 in that case?  
30





1 ENGLISH

2 A. I don't know who was in charge of  
3 the ship at the time and gave the orders and I don't  
4 know anything else about it.

5 Q. It is possible that the line was not  
6 of the quality that it should have been?

7 A. It is possible, but I have no comment  
8 to make on it.

9 MR. LANGLOIS: That is all. Thank you.

10 CROSS-EXAMINATION BY MR. MASON:

11 Q. Of the 6,000 some odd vessels which  
12 use the harbour of Montreal in any one year, can you  
13 give the Commission a rough idea of what proportion of  
14 these are inland or lake vessels?

15 A. I believe, sir, that the figure is  
16 given in the annual report.

17 Q. Do you know how many times in any one  
18 year a vessel such as the "Tadoussac" would come into  
19 the Port of Montreal?

20 A. I personally wouldn't, sir. May I  
21 suggest that the Harbour Master would have that  
22 information.

23 Q. It would be frequently though, wouldn't  
24 it?

25 A. Yes.

26 Q. So, when it had one accident, totaling  
27 damage to the property of the National Harbours Board  
28 of \$128.30, that is a pretty good record over a period?

29 A. Yes, sir.

30 Q. You mentioned in reply to a question







1 ENGLISH

2 asked by Mr. Jacques, that it would, in your opinion,  
3 perhaps improve operations in the harbour if all ships  
4 were equipped with VHF?

5 A. That is correct.

6 Q. Would it be your opinion that if  
7 all dispatching and control of traffic in and about the  
8 harbour of Montreal, including the dispatching station  
9 at Beauharnois, were given in the English language ---?

10 A. I think that is -- I wouldn't like to  
11 answer that one. Most shipping people I am talking  
12 about on ships are trading with so many countries where  
13 English is spoken, they learn English, but I am not  
14 prepared to say that they don't know French just as  
15 well.

16 CROSS-EXAMINATION BY MR. BRISSET:

17 Q. Captain, in the course of your evidence  
18 you have mentioned that at a certain time the Pilots  
19 had approached the Board in connection with some  
20 problem relating to the use of the radio telephone, and  
21 that after discussion there was no change made in the  
22 policy of the Board.

23 Could you tell us what the problem was  
24 and what changes were sought in the Board's policy by  
25 the Pilots?

26 A. The Pilots, I understand, have two  
27 frequencies on which they work. I believe the safety  
28 and calling frequency is 156.8 megacycles. I think they  
29 have a working frequency of 156.55. We don't have 156.55,

30





1 ENGLISH

2 got ourselves, and if we want further information it is  
3 customary to apply to the Department of Transport in  
4 Ottawa, as it is my understanding that the Pilots come  
5 under its general jurisdiction, and I think that is why  
6 we apply there if we need more information.

7 Q. In other words, you have no juris-  
8 diction to bring the Pilot, say, in your office to  
9 conduct an investigation into the circumstances of an  
10 accident?

11 A. When you say jurisdiction, I don't  
12 really know how to answer. I am quite sure that if any  
13 Pilot were requested to come he would. I don't think  
14 there is any question about that.

15 Q. I am speaking of legal jurisdiction.  
16 I understand he could easily come of his own volition?

17 A. There is nothing written into our  
18 by-laws that says he has to come.

19 Q. Now, Captain, I don't want to destroy  
20 the excellent accident record of the Port, but during  
21 the last five years there have been collisions in the  
22 Harbour of Montreal. Right?

23 A. Correct.

24 Q. There have been groundings?

25 A. Correct.

26 Q. There have been sinkings of vessels?

27 A. Correct.

28 Q. There has also been damage done to  
29 third parties' property, like pipelines, and so forth?

30







1 ENGLISH

2 A. Correct.

3 Q. There have been anchors lost in the  
4 harbour by ships?

5 A. Correct.

6 Q. But you keep no record of these  
7 happenings?

8 A. Oh, yes, we have a record, but we do  
9 not conduct an enquiry into them. We have our own  
10 records of them.

11 Q. On whom do you rely to have an investi-  
12 gation made in such cases? Because I take it you would  
13 be interested in knowing the cause, whether it was of  
14 an error in the control of the traffic or an error on  
15 the part of the ship, or some other reason?

16 A. I think we are interested up to a  
17 point only how it affects the Board. We don't normally  
18 get into somebody else's problems. We have plenty of  
19 our own.

20 One of our more important functions is  
21 the protection of public funds, and therefore if the  
22 damage or accident has occurred and there is money  
23 involved, such as raising a sunken ship, we certainly  
24 have to take some action on it so that the right party,  
25 and not, if possible, the government of Canada, pays for  
26 the repairs, and we have not, in my recollection, tried  
27 to determine whether a Master was at fault, beyond the  
28 question of liability for repairing the damages, and that  
29 kind of thing.  
30





1 ENGLISH

2 The drunkenness of a Master -- we will  
3 say we have never got into that. It is up to the owner  
4 of the ship. We go after the ship, rather than a  
5 specific person.

6 Q. Whether the ship has a Pilot or not  
7 that would still be the case?

8 A. Oh, it would make no difference, yes.

9 Q. If at a later stage you were asked to  
10 bring your records of any particular accident having  
11 happened within the last few years in the harbour, would  
12 you be able to do so?

13 A. Oh, yes, sir. We would make a copy of  
14 it for you.

15 CROSS-EXAMINATION BY MR. LANGLOIS:

16 Q. Captain Oppen, just one or two questions  
17 following those asked by my friend Mr. Brisset.

18 Mr. Brisset asked you about if there  
19 have been any sinkings during the last five years, and  
20 your answer was yes, but I don't know -- if you noticed,  
21 he was using the plural.

22 How many sinkings have there been in  
23 the harbour of Montreal in the last five years?

24 A. I think, sir, that there have been two,  
25 but I am not quite sure if it has been five or six years.

26 Q. According to my instructions there was  
27 only one, the "Federal Commerce"?

28 A. There was a tug sank off Shed 19.

29 Q. Do you know if there was a Pilot in the  
30 tug?







1 ENGLISH:

2 A. No.

3 Q. Is it not a fact that the sinking of  
4 the "Federal Commerce" was due to the breaking down of  
5 her steering gear?

6 A. This is what I understand, yes.

7 Q. He also referred to damage to pipelines.  
8 I am instructed that the only damage to a pipeline was  
9 caused by a dredge, in the last five years?

10 A. It is my understanding that the parties  
11 are trying to collect from somebody, and that it is  
12 still before the law courts.

13 R. J. LIGTERMOET, Recalled

14 DIRECT EXAMINATION BY MR. JACQUES, Continued:

15 Q. Captain Ligtermoet, on your same oath,  
16 do you know which ships have Pilots on board and which  
17 have not?

18 A. No, we don't know specifically.

19 Q. Have you been able to discern a pattern  
20 in respect to accidents involving deep sea ships, as  
21 opposed to lake ships? By accident, I mean any one of  
22 which you may have knowledge, whether it involves port  
23 installations or not?

24 A. The main accidents from the last few  
25 years that I could see practically were all from deep  
26 sea vessels.

27 Q. In respect to speedy manoeuvring in  
28 the harbour, have you been able to discern a pattern  
29 between deep sea ships and lakers?  
30





1 ENGLISH

2 A. These speed checks we have made --

3 Q. Not speeding in the harbour, but speedy  
4 manoeuvring?

5 A. Speedy manoeuvring. I don't see much  
6 difference. The only difference I know from this last  
7 year and a half, when these large 730 foot lakers came  
8 into effect, they seemed to appear naturally more slower  
9 in manoeuvring in the harbour than any other vessel.  
10 Apart from that, the old inland vessels, the older types,  
11 they are very fast at manoeuvring and so are the ocean  
12 vessels.

13 BY MR. BRISSET:

14 Q. Captain, would you think it advisable  
15 for your Harbour Master's Office to know whether there  
16 is a Pilot on board a ship, since he is there to advise  
17 the Master and is familiar with the harbour?

18 A. I don't think so, sir.

19 Q. No you don't?

20 A. No.

21 BY MR. MASON:

22 Q. Do you know whether all lake vessels,  
23 whether or not they are required to take a Pilot, in  
24 fact take a Pilot in moveages within the harbour of  
25 Montreal?

26 A. All vessels. There is no vessel that  
27 is required to take a Pilot. The pilotage dues is  
28 compulsory, I understand, but not the actual employment  
29 of the Pilot.

30 Q. Well, let me rephrase my question. Do







1 ENGLISH

2 you know whether all lake vessels, although they might  
3 be required to pay for a Pilot for moveages, do they,  
4 in fact, take a Pilot?

5 A. In some cases they do not.

6 MR. LALONDE: Will you know in which section of  
7 the harbour the inland ships, or lakers, would not take  
8 Pilots to make certain moveages to save time?

9 A. That is usually in the quiet water of the  
10 upper harbour.

11 FRENCH

12 FERNAND MONARQUE, Sworn

13 DIRECT EXAMINATION BY MR. JACQUES:

14 Q. Would you please tell us your full  
15 name and age?

16 A. Fernand Monarque, 40 years old.

17 Q. And your profession?

18 A. I am in charge of Maritime Signals.

19 Q. Since how long?

20 A. Since June, 1960.

21 Q. And this is what is called the Signal  
22 Service?

23 A. Yes.

24 Q. Would you explain to the Commission what  
25 the Signal Service consists of?

26 A. We are in contact with different offices,  
27 and different stations which are along the river.

28 Q. What kind of offices?

29 A. Observation offices and pilotage offices  
30





1 FRENCH

2 in different parts of the river from Montreal to Quebec.  
3 We receive from the offices reports mentioning the time  
4 and the name of the ship when she passes by those  
5 stations, and we receive this information through a  
6 teleprinter circuit. We are also being given by the  
7 same means other obstructions which could exist.

8 Q. Do you receive information concerning  
9 aids to navigation?

10 A. Yes.

11 Q. Do you receive information concerning  
12 accidents or casualties which might take place on the  
13 river?

14 A. Practically, I would say, anything that  
15 concerns navigation, no matter what it is, accidents  
16 as well as buoys that are not functioning properly.

17 Q. The Montreal Harbour Master has told  
18 the Commission that the important information for the  
19 circulation of the traffic of the ships is transmitted  
20 to you, and that you transmit it. Is this true?

21 A. Well, I wouldn't say that all the information the Harbour  
22 Master thinks he should transmit to us, but as long  
23 as this concerns navigation itself within the limits of  
24 our District, yes, we transmit it to all parties, and  
25 this is published on our Maritime Report, which is  
26 published twice a day during the entire season.

27 Q. Your Maritime Report, which is published  
28 twice a day, is this a written report?

29 A. Yes, it is written. It is printed and  
30







1 FRENCH

2 it is mailed to the agents, shipping companies, and to  
3 all interested parties.

4 Q. Could you give us some examples of  
5 such documents?

6 A. I can leave those with you if you want.  
7 Where we have the notices coming from the Harbour Master  
8 I have marked on the lower right hand corner of the  
9 paper.

10 MR. JACQUES: I would like to produce this  
11 as Exhibit No. 506.

12 ---EXHIBIT NO. 506: Maritime Reports of Signal Service.  
13

14 Q. The first of these reports, that is  
15 the shipping reports, 2:00 P.M. is the first one?

16 A. Yes, we publish a bulletin at 9:30 A.M.  
17 and another one at 2:30 P.M. every day during the  
18 navigation season.

19 Q. You handle bulletins too?

20 A. As I mentioned, those bulletins are  
21 sent to all the interested parties, including maritime  
22 agents, government agents, shipping companies. This  
23 includes, altogether, 127 shipping companies to whom  
24 this is being delivered by the Canadian National Telegraph,  
25 and we pay \$5.00 a month for such delivery, and also  
26 19 government offices.

27 Q. So this is not mailed. It is delivered  
28 by the Canadian National?

29 A. Yes. We have our own mailing list,  
30 which includes 64 names, those who are interested in





1 FRENCH

2 receiving it by mail, and we mail it to them either in  
3 the morning or in the afternoon.

4 Q. And who are those to whom you send this  
5 by mail?

6 A. They are maritime companies which are  
7 outside of the limits of the District of delivery of  
8 the Canadian National, and we also mail some outside,  
9 in Italy, and in England.

10 Q. Which is the limit of the delivery  
11 district of the Canadian National?

12 A. Well, this is limited to the centre  
13 of the City from Sherbrooke Street to the river and  
14 slightly west of Peel Street, and slightly east of St.  
15 Lawrence Boulevard.

16 Q. Now, those documents, Exhibit No. 506,  
17 are these reproduced anywhere else besides this  
18 bulletin? Is this sent somewhere else by teleprinter?

19 A. Well, of course, you take for instance  
20 any ship going by. Our office is in the same building  
21 as the Pilotage Office, and a ship is going to go down-  
22 stream passing in front of our office, so this message  
23 is relayed to the stations through the teleprinter  
24 circuit. This means that this message will be transmitted  
25 to Sorel, Three Rivers, Batistan, Quebec, Les Escoumains,  
26 and Seven Islands.

27 Q. Is this connected to the teleprinter?

28 A. Yes, we have another teleprinter circuit  
29 which is connected until the entrance to the Great Lakes.

30







1 FRENCH

2 Q. Now, is it on teleprinter only, or is  
3 this broadcast in any way?

4 A. No. We have every hour to send what  
5 we call a routine broadcast advising the ships of any  
6 obstructions to navigation. When there is no obstruction  
7 to navigation, it is mentioned. We use a formula which  
8 is called "No Obstruction to Navigation Report". When  
9 there are obstructions it would be covered in our  
10 routine broadcast.

11 MR. JACQUES: I would like to deposit an  
12 example of a routine broadcast under No. 507.

13

14

15 Q. Now, we have other copies here of more  
16 recent broadcasts?

17 A. Yes -- the day before. This was  
18 yesterday. This was the day before yesterday. So, you  
19 have them for a period of 24 hours.

20 MR. JACQUES: So, I will produce this as a  
21 bundle under No. 507.

22 ---EXHIBIT NO. 507: Bundle of routine broadcasts.  
23

24 Q. You said that you were sending these  
25 messages every hour?

26 A. Five minutes before the hour on the  
27 Montreal-Quebec circuit and five minutes before the  
28 half hour on the northern circuit.

29 Q. This is teleprinted?

30 A. Yes.





1 FRENCH

2 Q. And is this also broadcast?

3 A. Yes. This is sent to radio broadcasting  
4 stations which, through radio telephone and through  
5 wireless telegraphy, transmit to each ship. I had  
6 occasion to hear it myself four times last year as I  
7 was aboard a ship, twice with Captain Marchand and twice  
8 with Captain Gendron, the former Regional Supervisor  
9 of Pilots.

10 Q. These bulletins, Exhibit 506, include  
11 notices to shipping, particularly a notice of July 2nd,  
12 2:00 P.M. There is a notice concerning the site of the  
13 bridge at Three Rivers. Now, will such notices to  
14 shipping also be broadcast the same way?

15 A. Exactly. Now, since, as an experiment,  
16 we have since a few weeks a radio telephone in the office,  
17 the power of which is sufficient for us to hear  
18 messages broadcast by the radio station at Three Rivers  
19 and we can verify the messages which are being sent to  
20 the ships or exactly in the way in which we have trans-  
21 mitted those messages to the stations. Now, talking about  
22 the bulletins, it is quite evident that we do not indi-  
23 cate only -- those are the stations which are on the  
24 two teleprinter circuits -- that we do not indicate only  
25 the notices given from the Harbour Master. As you can  
26 see, some coming from the Seaway offices, from the Marine  
27 District Agent, Quebec as well as Sorel. Some will come  
28 from the Ottawa headquarters. As a matter of fact, we  
29 use our discretion to indicate there anything which could  
30







1 FRENCH

2 be of interest to navigation pilots or ship owners.

3 MR. JACQUES: I would like to file as Exhibit  
4 No. 508, a list of the stations of Circuit 998 and  
5 Circuit 999. Circuit 999 is from Montreal downstream  
6 and Circuit 998 is from Montreal upstream.

7  
8 ---EXHIBIT NO. 508: List of stations on Circuits 998  
9 and 999.

10 MR. JACQUES: Thank you, sir. Your witness.

11 CROSS-EXAMINATION BY MR. LALONDE:

12 Q. Can you tell me, how is your service  
13 connected with the Pilotage Office practically?

14 A. Well, we have been merged, if my  
15 memory is correct, in 1955. All services have merged  
16 and now the staff use the same offices.

17 Q. Do you use the same teleprinter?

18 A. Yes. Also the same radio telephone.  
19 As a matter of fact, I would like to underline that the  
20 clerks are supposed to work for both Departments.

21 Q. What is the proportion of your  
22 messages which you send concerning pilotage directly  
23 and those concerning the general administration of  
24 navigation in relation to the Signals Service?

25 A. There are many reports coming from the  
26 Signals Service, because as you can see, reports coming  
27 from the pilotage to our Department are condensed at  
28 regular intervals.

29 Q. These messages would be sent when you  
30 want to give broadcasts to Three Rivers? Is this





1 FRENCH

2 compiled by the Pilotage Service or by yourself?

3 A. By the Pilotage Service.

4 Q. And the Pilotage Department gives you  
5 the list which you put through the teletype?

6 A. The clerks in one Department or from  
7 the other can send those reports. It is only a question  
8 of rewriting it on the teleprinter.

9 Q. Now, you mentioned, I think, that you  
10 were taking a count of the ships as they were passing in  
11 front of your office and then you were sending a notice  
12 to Three Rivers indicating that such a ship had passed  
13 in front of the pier, where your office is, and that a  
14 Pilot should be available when it reaches Three Rivers.  
15 Now, what happens when a ship leaves anchorage or leaves  
16 a pier which is lower than your office?

17 A. Well then, you will have no report at  
18 the Sutherland pier. But as there is a signal station  
19 at Cap St. Michel, then we will get it when the ship  
20 passes in front of Cap St. Michel and the clerk on  
21 duty in Cap St. Michel will transmit the report by  
22 telephone to our Montreal office, which we will transmit  
23 on the teleprinter to the other stations.

24 Q. So in all the cases of vessels leaving  
25 Montreal, the first advice comes to you from Cap St.  
26 Michel; then you transmit it?

27 A. Yes.

28 Q. So do you have a permanent clerk who  
29 is on duty day and night at Cap St. Michel?

30 A. Yes. We have rotating shifts on a 24







1 FRENCH

2 hour basis.

3 Q. Now, is your service under the juris-  
4 diction of the Pilots?

5 A. No. We are under the jurisdiction of  
6 Captain Catinus, who is in charge of the Pilotage.

7 Q. Now, in the notices which you send  
8 to Three Rivers, do you send a notice concerning all  
9 ships passing in front of Bay Sutherland?

10 A. Yes, all of them, even the smallest  
11 ones.

12 Q. You send these notices even in the case  
13 of a ship that would go and anchor at Cap a la Roche?

14 A. No. I am sorry. All the ships outside  
15 the Harbour of Montreal. This means that the extreme  
16 limit from Sorel.

17 Q. Where do you get this information?

18 A. From the Pilotage Office. When the  
19 ship passes in front of the station, the clerk on duty  
20 asks the clerk on duty on the pilotage ship where his  
21 ship is going and when it is for the harbour, well then  
22 the report is not transmitted to Sorel, Three Rivers, and  
23 so forth.

24 Q. And I suppose that you are not in a  
25 position to know, by yourself, where the Pilotage Depart-  
26 ment gets this information as far as the destination of  
27 the ship is concerned?

28 A. Yes. They get it from the agents.

29 Q. Now, I think that you have mentioned  
30 that the shipping reports published by your Department





1 FRENCH

2 are published every day?

3 A. This is exact, sir.

4 Q. What happens during the weekend? Are  
5 they published on Saturday and Sunday?

6 A. We have one on Saturday.

7 Q. In the morning?

8 A. 9:30 A.M. on Saturday morning and this  
9 goes to the Monday, when the Monday is not a holiday.  
10 If it is a holiday, it will go to the Tuesday.

11 Q. So you publish two a day, one at 9:30  
12 A.M. and one at 2:30 P.M.?

13 A. On Saturday there is only one at 9:30  
14 A.M.

15 Q. This means that if there is a legal  
16 holiday on Monday, such as July 1st, there has been  
17 no bulletin between 9:30 A.M. Saturday and 9:30 A.M.  
18 Tuesday?

19 A. No. On the bulletin which is published  
20 on Tuesday, the reports of all ships which will have  
21 entered or left the harbour since the time of publishing  
22 of the last bulletin are indicated.

23 Q. Now, are you in a position to know if  
24 several ships leave the harbour during the weekend after  
25 this last bulletin is published?

26 A. Oh, yes. Yes. Every weekend is not  
27 like the preceding or the following weekend and there  
28 are several ships leaving the harbour during the weekend.

29 Q. Now, besides these reports, what is the  
30 case with the other communication media which you have at







1 FRENCH

2 your disposal during the weekends?

3 A. Well, besides the report, of course,  
4 and not taking into account the information given on the  
5 phone, we still make our special broadcast, our routine  
6 broadcast. If, by any chance, there will be an obstruction  
7 to navigation on the river, we still transmit those  
8 reports 24 hours a day every weekend, every legal holiday.

9 Q. So you have these broadcasts which take  
10 place every hour, one every hour?

11 A. Yes, this is true.

12 Q. And the teleprinter service functions  
13 normally during the weekends?

14 A. Yes, 24 hours a day.

15 Q. Now, you are Chief Clerk in this  
16 Department. When you go away, is someone left who has  
17 your authority?

18 A. We have senior clerks. We have a  
19 clerk Grade IV. There is one also on the pilotage  
20 side of our building and they are qualified to take  
21 charge of the operations of the office.

22 Q. Practically, do they have the responsi-  
23 bility when you are away?

24 A. Yes, definitely.

25 THE CHAIRMAN: Do you still have quite a few  
26 questions, Mr. Lalonde? I do not want to press you.

27 MR. LALONDE: I will go on this afternoon, My  
28 Lord.

29 THE CHAIRMAN: Maybe you will find some new  
30 questions during the adjournment. We will adjourn now





1 FRENCH

2 until 2:30 this afternoon.

3 ---LUNCHEON ADJOURNMENT.

4 ---UPON RESUMING AT 2:30 P.M.

5 Mr. Gilbert Nadeau relinquishes, and Mr. F.C. Morrisette  
6 assumes duties of Secretary.

7 THE CHAIRMAN: For the convenience of those  
8 who have trains to catch, we will be adjourning at 4:30.

9 MR. LALONDE: May I draw the attention of the  
10 members of the Commission, and also my friends who have  
11 received English copies of the Brief of the Federation  
12 of the St. Lawrence River Pilots, to the fact that the  
13 printer seems to have missed an important word on at  
14 least one occasion, and I think on two, which I shall  
15 find immediately. The first one is at page 3 of the  
16 blue sheets at the beginning of the Brief, entitled  
17 General Recommendations of the Federation of St. Lawrence  
18 River Pilots to the Royal Commission on Pilotage, at  
19 about the middle of the page, in paragraph E, the sixth  
20 line before the end there is a sentence beginning by:  
21 "In cases involving ---" etc. It should read: "Except  
22 in cases involving ---", etc.

23 CAPTAIN SLOCOMBE: It is the next para-  
24 graph.

25 MR. LALONDE: Excuse me. It is paragraph  
26 F, the third line, which reads: "In cases of the  
27 changing of the tariff ---", etc. It should read: "Except  
28 in cases of changing of the tariff ---", etc. By  
29 reading the context it appears that this was obviously  
30







1 a printing mistake and in the arguments of the  
2 recommendations, particularly at page 178, the proper  
3 text is reproduced, that is that we have the word  
4 "Except" inserted at that page. It reads properly at  
5 page 178, therefore the correction is only to be made  
6 at page 3.

7 I have also found that in the few  
8 copies in English distributed, the page 92A is missing.  
9 I now have copies of that page available to distribute  
10 at the adjournment.

11 MR. MASON: I understand that the Commission  
12 will be making a trip around the Harbour of Three Rivers?

13 THE CHAIRMAN: That is correct.

14 MR. MASON: And that they will on this trip  
15 have an opportunity to view the site for the proposed  
16 new bridge?

17 THE CHAIRMAN: If it is not top secret.

18 MR. MASON: That has been our problem. If I  
19 may at this time, as I won't be able to be in attendance,  
20 perhaps put the Dominion Marine Association on record  
21 with this Commission as objecting to the present location  
22 of this bridge, in that in the opinion of inland ship  
23 Masters, if the bridge were constructed in this location  
24 and would limit navigation to a 1,000 foot ship channel  
25 it would virtually eliminate the only anchorage and  
26 turning area in the vicinity of Three Rivers, and would  
27 put the ships' owners perhaps to considerable expense  
28 if it were necessary for vessels proceeding downbound  
29 to proceed up river quite a piece in order to turn  
30 around, and I understand that it would perhaps entail





1 the removal of the present Pilotage Station to another  
2 location.

3 THE CHAIRMAN: I think this last aspect  
4 especially of your remarks will come within the ambit of  
5 the Commission.

6 MR. LANGLOIS: My Lord, whilst we are on the  
7 subject of the tour of the river and Sorel tomorrow,  
8 I have been in touch during the lunch hour with the  
9 authorities at Marine Industries Limited, and the  
10 Commission is cordially invited to a tour of the ship-  
11 yard tomorrow afternoon, and I was asked to inform Your  
12 Lordship and your colleagues, the other Commissioners,  
13 and those who will be with you on the tour, that the  
14 authorities will be expecting you at their main office  
15 at any time after 2:30 tomorrow afternoon.

16 THE CHAIRMAN: Thank you very much.

17  
18 FERNAND MONARQUE, Recalled

19 FRENCH

20 CROSS-EXAMINATION BY MR. LALONDE, Continued:

21 Q. Mr. Monarque, prior to the adjournment  
22 I was asking you a question concerning the operation of  
23 the Signal Service during the winter season. Could you  
24 please tell us at what time during the navigation season  
25 there is a reduction in services that you give ships,  
26 vessels as well as Pilots?

27 A. Well, with the end of the navigation  
28 season, which usually is scheduled at the end of December,  
29 we dismiss our seasonal staff. At that time we still  
30 have our two senior clerks and myself. This is for the







1 FRENCH

2 Montreal Office. There is still one on duty at Cap St.  
3 Michel, and one which is permanent in Three Rivers, Mr.  
4 Beamier, and there is a seasonal number of staff on  
5 permanent duty at Sorel. By permanent I mean one who  
6 is on duty every day. Of course, this job is done on  
7 a rotational basis, but one is on duty every day. This  
8 is at Sorel.

9 Q. So you mean that during the winter  
10 season you always have one person on duty at Sorel?

11 A. This applies for daytime whenever there  
12 are no vessels manoeuvring. Whenever there is a vessel  
13 there are employees on duty from the departure of the  
14 vessel until its arrival in harbour or anchorage.

15 Q. If it is en route Three Rivers to  
16 Montreal, and it must anchor for the night, do you have  
17 one person in each station?

18 A. No. We keep a number of staff in the  
19 main stations, that is Montreal, Three Rivers and Quebec.

20 Q. What are the hours of work, or service  
21 hours, during the winter season?

22 A. Naturally you imply that there are no  
23 vessels on a trip?

24 Q. Well, let us say that there is a vessel  
25 in the harbour, and it wants to leave next morning at  
26 seven o'clock?

27 A. Well, in that case we hire an employee  
28 in Montreal at five o'clock, and this employee will  
29 remain on duty until the arrival of the vessel, or the  
30 stoppage of it.





1 FRENCH

2 Q. Is that a recent practice, or has it  
3 been going on for some time?

4 A. It goes back to two years ago.

5 Q. You mean for two winters?

6 A. Well, last winter the different functions  
7 have been filled by seasonal employees who have shared  
8 the different hours of work, and the preceding winter  
9 it was filled by permanent employees, who had to work  
10 for that purpose.

11 Q. Must the employees go to work at five  
12 o'clock in the morning every time there is a vessel  
13 leaving that day, or is it the general practice to go  
14 two hours before the departure of the ship?

15 A. No, every time there is a departure of  
16 a ship, either in Montreal or Quebec there is an employee  
17 who will be there two hours before the departure. This  
18 applied last winter. We had a ship leaving at four  
19 o'clock and the employee started at midnight, because  
20 it is very difficult to start them two hours before  
21 when they have no cars and there are no busses in the  
22 middle of the night.

23 Q. Do you have a staff on duty at the  
24 observation and reporting stations?

25 A. Well, naturally these employees don't  
26 fall under our jurisdiction. They are under the juris-  
27 diction of Quebec, and I know very well that there are  
28 some ice observers who are on duty in order to make reports  
29 concerning the movement of ice.

30 Q. During the summer don't you have seasonal







1 FRENCH

2 employees?

3 A. Yes, this applies to summer, but you  
4 had mentioned the winter season, but during the winter  
5 these employees go to the station for a short while in  
6 order to observe the ice conditions and report about  
7 them to the Montreal office.

8 Q. You said that these employees aren't  
9 under your jurisdiction?

10 A. We don't go any further than Three  
11 Rivers.

12 Q. So you couldn't give us information as  
13 to whether you have employees on duty when a boat comes  
14 above during the winter time?

15 A. No, according to the two preceding  
16 winters, but the employees have to go there in the  
17 morning to give us any ice conditions.

18 Q. During the weekends do you also have  
19 some employees on duty at your Signal Service stations,  
20 if there is a vessel on the River during the winter?

21 A. Yes. At all times whenever there is  
22 a ship travelling there is somebody at the Montreal  
23 office at all times.

24 Q. Would the same thing apply at Three  
25 Rivers?

26 A. Well, I wouldn't say that at Three  
27 Rivers there is an employee on duty at all times, but  
28 he will be on duty so long as the vessel will not have  
29 passed by. If the vessel leaves Montreal early in the  
30 morning and has to be at Three Rivers at eleven or eleven





1 FRENCH

2 thirty, the employee will finish working after the  
3 vessel passes.

4 Q. If you have a vessel going up will your  
5 employees in Montreal remain on duty until the vessel  
6 arrives at Montreal?

7 A. Yes, this applies both ways.

8 Q. But does he stay on duty after the  
9 departure from Three Rivers?

10 A. Well, as soon as the vessel leaves  
11 Three Rivers, well, the employee leaves one-half hour  
12 after the departure of the vessel.

13 Q. If a Pilot wanted, for example, to  
14 contact the Three Rivers station in the course of his  
15 trip, let us say for example that there is some snow  
16 a half hour after his departure, and he wants to get  
17 back, can he contact someone at the station?

18 A. Well, this message would be automatically  
19 transmitted to Montreal, because Montreal has all juris-  
20 diction about navigation during the winter.

21 Q. Would Montreal contact Quebec or Three  
22 Rivers?

23 A. Three Rivers. We have at our disposal  
24 the phone numbers of all employees, and thus it is quite  
25 easy to contact either one of them.

26 MR. LALONDE: Thank you.

27 CROSS-EXAMINATION BY MR. LANGLOIS:

28 Q. Mr. Monarque, insofar as your signal  
29 bulletins are concerned, I understand very well that  
30 even if the bulletins aren't issued during the weekends







1 FRENCH

2 or holidays, will the bulletin for the next workday  
3 contain all information for Sundays and holidays?

4 A. This is true.

5 Q. Are these notices sent to the press, the  
6 newspapers?

7 A. Well, I know very well that La Presse  
8 subscribes to the Canadian National in order to receive  
9 these bulletins, as well as the Gazette.

10 For the information of the Commission  
11 I could give a list of all subscribers and companies who  
12 receive these bulletins by mail from our office.

13 Q. Do these newspapers reproduce your  
14 bulletins?

15 A. No. This was done before, but now there  
16 is no room in these newspapers.

17 THE CHAIRMAN: I think that Quebec has more  
18 space in its newspapers, because they are reproduced.  
19 I know that Le Soleil, a newspaper in Quebec, still  
20 reproduces these.

21 MR. LANGLOIS: There are less ads than in  
22 the Montreal newspapers there.

23 Q. Aside from the mailing list from the  
24 Signal Service, which is Exhibit No. 508, do you have  
25 some observers' stations for meteorological conditions  
26 and ice movement?

27 A. Yes, but I don't know what is mentioned  
28 on that list, but as I stated this morning, naturally  
29 we obtain these reports from Cap St. Michel, Sorel, Three  
30 Rivers, de Grondines, St. Nicolette and Quebec.





1 FRENCH

2 Q. Do these stations transmit their  
3 communications by land telephone?

4 A. Well, they are given to Quebec and Quebec transmits  
5 them on a teletype circuit. Grondines telephones them to  
6 Batistan and Batistan transmits them by teletype, and Cap  
7 St. Michel gives them to Montreal, who in turn transmits  
8 them in the same way.

9 Q. Would you explain, for example, the  
10 delays which occur quite often? For example, you are  
11 going to have the coastal station of Three Rivers,  
12 which is going to transmit information concerning the  
13 fact that there is some fog apparently in a certain  
14 area of the river, and the fog is gone for a few hours  
15 and the reports go on and transmit through radio that  
16 there is some fog?

17 A. I must admit to you that there have  
18 been certain drawbacks, and at times I have made  
19 representations to that effect, and I have told some of  
20 these stations that they should have given us the changes  
21 in the weather conditions, and they didn't send the  
22 information soon enough to transmit it on our broadcasts.  
23 I have contacted Mr. Mahieux in Quebec, and these delays  
24 were coming especially from Batistan and Grondines.

25 . I know that these delays occur more often  
26 at these stations, and this gives rise for delays at  
27 with certain anchored vessels, and  
28 if they receive always information from Three Rivers  
29 they think the weather is still foggy and have to  
30 delay their departure.

Q. I understand you have stopped your









1 FRENCH

2 semaphore stations?

3 A. No. We no longer have them.

4 Q. What was the reason for the elimination  
5 of that service?

6 A. Well, it was rather obsolescent, and  
7 as I mentioned this morning, I have been working in that  
8 position since the winter of 1952, and ever since then  
9 signals from these semaphores have not been used.

10 Q. Have they been replaced by something  
11 else?

12 A. Well, we have certain types of signals  
13 which are used to indicate to the vessels the different  
14 weather conditions or an obstruction. In the event  
15 that a boat would be stranded below that station, well,  
16 that station should make certain signals at the top of  
17 the mast, such as a drum or a combination of signals in  
18 the daytime, and a combination of lights at night.

19 Q. I am thinking about the semaphore  
20 stations of Point Citrouille.

21 A. It has been discontinued as well as  
22 Belle Marre, and they have not been replaced by another  
23 station. That is true.

24 CROSS-EXAMINATION BY MR. MASON:

25 ENGLISH

26 Q. I note from Exhibit No. 508 that your  
27 circuit number 998 includes a drop off to Toronto,  
28 Hamilton and Sarnia?

29 A. Yes.

30





1 ENGLISH

2 MR. LALONDE: Where are those places?

3 MR. MASON: Upper Canada.

4 Q. And I wonder if you have any link  
5 between Sault Ste. Marie or the Lakehead for the  
6 purposes of recording the overall movement of traffic?

7 A. No. Formerly we were having some  
8 reports from these places. They were usually received  
9 by telegrams, but this way of receiving these reports  
10 has been discontinued for savings purposes years ago.

11 Q. Are there any plans to extend this  
12 circuit 998 to include dropoffs at these locations?

13 A. Not to my knowledge.

14 Q. I notice, Mr. Monarque, that Exhibits  
15 506 and 507 are printed only in the English language.

16 Are they also printed in the French  
17 language?

18 A. No, not now.

19 Q. If my friends will forgive me the  
20 question, what is the reason for this?

21 A. Well, for a practical reason first, and  
22 next we have never been asked for it.

23 Q. May I suggest that the reason is that  
24 the majority of the users of your service would read  
25 English, understand English, and perhaps would not  
26 understand and read French?

27 A. Yes, perhaps that might be the reason.

28 THE CHAIRMAN: Mr. Mason, your remark about  
29 Upper Canada may be a little confusing for this Commis-  
30 sion, because we have heard in the Maritimes that every-







1 ENGLISH

2 thing west of New Brunswick is in Upper Canada.

3 CROSS-EXAMINATION BY MR. BRISSET:

4 FRENCH

5 Q. The signals which are put on the stations  
6 are put on in order to indicate what conditions?

7 A. The conditions of visibility in the  
8 first place, and also, a very rare case which happens,  
9 that when a ship is grounded upstream or downstream of  
10 a station and would cause an obstruction. If, for  
11 instance, you take the station at Cap St. Michel, the  
12 channel was obstructed upstream. Well, Cap St. Michel  
13 would ask Sorel to put on its signal on the west side,  
14 the appropriate signals. If the navigation was completely  
15 obstructed it would be a drum and a ball, and if it were  
16 partially obstructed it would be a different signal.

17 At the same time St. Michel would ask the same thing of  
18 Montreal, and the signals would appear on the eastern  
19 part of Montreal. This applies to all stations. They  
20 do not draw in Quebec. As regards visibility, say for  
21 instance, visibility is bad, the two stations I

22 mentioned would put a cone on their mast. When you say  
23 no visibility it means zero to half a mile, and partial  
24 visibility going around a mile, three-quarters of a mile.

25 Q. Concerning the visibility, the signal  
26 put on the station applies both for the upstream and the  
27 downstream?

28 A. Yes, up to the next station on both  
29 sides.

30





1 FRENCH

2 BY MR. JACQUES:

3 Q. This information which used to be  
4 given by semaphore is now given by radio?

5 A. The information that I have mentioned,  
6 no, those that are given by radio are both coming from  
7 routine or special broadcasts. You see, our broadcasts  
8 are given to the radio coastal stations, Montreal,  
9 Three Rivers, and Quebec, who rebroadcast it to the  
10 ship by radio telephone and wireless.

11 Q. What about the visibility?

12 A. That is in the broadcast.

13 Q. And obstructions in the channels?

14 A. The same thing.

15 Q. The depth of water in Montreal, is that  
16 in the broadcast?

17 A. Yes. At the beginning of the season  
18 the level of the water is below the level of 35 feet.  
19 You see, in each broadcast the depth of the water is  
20 indicated as being below 35 feet, which is the normal  
21 level.

22 Q. Now, on your teleprinter, do you give  
23 information received from Pilots concerning lights which  
24 are out?

25 A. Yes. We give this information. When  
26 a Pilot reports that a buoy is not functioning properly,  
27 or is out of place, or the light has gone out, we compile  
28 this report. I suppose this report has been given during  
29 the day. We transmit this to the Marine District Agent  
30









1 FRENCH

2 in Sorel, and before our five to five broadcast, if the  
3 buoy has not been repaired or replaced, it will appear  
4 on all our broadcasts until the next morning, and if the  
5 next day, at five to five, the buoy has not been repaired,  
6 we again put it on our broadcast.

7 Q. Now, this information is broadcasted and  
8 it is also given on the teletype?

9 A. Yes. I should like to stress that in  
10 all cases this information is given to the Pilotage  
11 Offices at Montreal, Three Rivers and Quebec.

12 I have a list of the subscribers here.

13 MR. JACQUES: I should like to file two lists  
14 as Exhibit 509.

15 ---EXHIBIT NO. 509: Two lists of subscribers to the  
16 bulletin service, one by mail, and  
17 one through the Canadian National  
18 Telegraphs.

19 Q. Now, have you got any other comments to  
20 make on the information which is given by your service,  
21 either by teletype or by broadcast?

22 A. Well, our information service is not  
23 limited only to positions and times at which ships will  
24 be passing a certain place. We are in close relation  
25 both with the ship channel and the Harbour Master and the  
26 various companies.

27 Yesterday, for instance, the Steel  
28 Company of Canada phoned me asking me to send them the  
29 report of any passenger ship going up and down the  
30 channel, because they are doing some work. Every time





1 FRENCH

2 that a ship goes by, a liner goes by, the wash destroys  
3 part of the work that they are doing and they want to  
4 know when the liners are going by because then they can  
5 take their equipment away and not get it spoiled by water.  
6 I will say that the Chairman of the Planning Office of  
7 the Montreal Harbour asks us to get all sorts of  
8 statistics concerning the north channel in front of Cap  
9 St. Michel and we give him this information. The  
10 Shipping Federation is interested to know, every week,  
11 the departures and arrivals of ships in the harbour. So  
12 we submit a report to them every week and we make daily  
13 reports to the Harbour Master concerning arrivals and  
14 departures of ships in Montreal Harbour. This is done  
15 in advance of the ship's passage at Cap St. Michel.

16 Q. Now, tell me, is there a way to check  
17 if messages are sent or not? The Harbour Master, for  
18 instance, could give you some information, say that a  
19 pier is damaged. Now, can he be sure that this message  
20 has been sent as soon as possible?

21 A. Well, there is always a certain amount  
22 of trust that exists, but the procedure is as follows:  
23 Usually the Harbour Master calls me to give me the  
24 message, and that has been going on for a number of years,  
25 and I always ask for these messages to be confirmed in  
26 writing by a letter which we receive the next day. Now,  
27 as to the fact of whether the Harbour Master could know  
28 whether or not the message has been sent, I can't say;  
29 but he must get on the radio the information which is  
30 broadcast before he can know what is going on.









1 FRENCH

2 BY MR. LANGLOIS:

3 Q. Mr. Monarque, I have a few questions  
4 to clarify your evidence so far. If there was a complete  
5 stop of traffic in Montreal Harbour, in case of  
6 emergency, would signals be put up at Cap St. Michel  
7 to indicate that the harbour is closed?

8 A. Yes, the channel would be blocked. I  
9 remember the case of the "Federal Express". The channel  
10 was blocked upstream of Montreal and the signals appeared  
11 upstream of Montreal and at Cap St. Michel.

12 Q. And you do that without receiving any  
13 special instructions from the Harbour Master?

14 A. Yes, we do this automatically. The  
15 minute we hear about an obstruction, we put on the  
16 signals.

17 Q. Now, concerning the question asked  
18 by Mr. Jacques, you mentioned that you received reports  
19 from the Pilot on the operation or bad operation of aids  
20 to navigation. Do you receive that from the coastal  
21 stations directly?

22 A. Well, I wouldn't say always. In some  
23 cases the Pilot transmits the information directly from  
24 the ship where he is then. In some cases it goes --  
25 in other cases, the Pilot waits until he is making his  
26 report at Montreal or Three Rivers. He will say that  
27 such a buoy is out of position or number so-and-so  
28 buoy is out.

29 Q. Now, suppose the light is out on a  
30





1 FRENCH

2 buoy and the Pilot calls Three Rivers. What happens?

3 What is your procedure to transmit the information?

4 A. Well, Three Rivers send us the message.

5 We take note of it and we inform the Pilotage Office

6 immediately. Then we also inform, at the same time,

7 the Marine District Agent in Sorel, so that this buoy

8 can be repaired as quickly as possible. It might happen

9 in some cases that there will be a government ship who

10 takes care of repairs on buoys. If the ship is in close

11 vicinity of the buoy which is out of place or that the

12 light has gone off, we transmit the information directly

13 to that ship and then the repairs can be done quicker.

14 Q. Is the same thing done in the Signals

15 Service in Quebec?

16 A. I don't know, but I suppose so. Now,

17 let us be clear. If the Signal Service or the routine

18 broadcast -- we have jurisdiction up to Quebec for these

19 services. Now, if the buoy is downstream of Quebec,

20 Quebec would have to take care of it.

21 Q. I want to clarify this because it has

22 been called to my attention. The information which came

23 through during an enquiry, that a Pilot had called the

24 coastal station at Quebec to say that three buoys were

25 out of place in the Cap Sante channel and that infor-

26 mation never got to the local Marine District Agent in

27 Quebec.

28 A. Did you hear that this message was

29 sent to Montreal?

30







1 FRENCH

2 Q. No. It went directly from the ship to  
3 the coastal station in Quebec and did not go any further.

4 A. So, the message got stuck in Quebec  
5 instead of being retransmitted to Montreal for our regular  
6 broadcast. This is where the error lies.

7 Q. It is always your service that makes the  
8 report to the Marine Agent?

9 A. No. It is always our service doing the  
10 reporting to the District Marine Agent and this goes as  
11 far as Quebec inclusive.

12 Q. In the case mentioned, we could have  
13 found out where the error was made, where the bad  
14 connection took place?

15 A. I am not in a position to check, but  
16 from what you say I think that the bad connection was  
17 between the coastal station and our service.

18 MR. LANGLOIS: Thank you, Mr. Monarque.

19 BY MR. LALONDE:

20 Q. Has it happened that you have had  
21 complaints from the Pilots concerning the operation of  
22 signal services?

23 A. Not that I know of.

24 MR. LALONDE: Thank you.

25 ENGLISH

26 MR. JACQUES: Thank you. My Lord, I have  
27 secured a set of tidal charts for the St. Lawrence  
28 estuary, Orleans Island to Father Point, which was out  
29 of print a couple of months ago, and I should like to  
30





1 ENGLISH

2 file it as Exhibit No. 510.

3  
4 ---EXHIBIT NO. 510: Set of tidal charts for the St.  
5 Lawrence estuary, Orleans Island to  
6 Father Point.

7 MR. JACQUES: Now, further to the comment which  
8 I made yesterday --

9 MR. LANGLOIS: I wish to draw Your Lordship's  
10 attention to the legend appearing in the first or second  
11 page of this atlas of currents, as we commonly call it.  
12 All these surveys were carried out at depth of 30 feet.  
13 It does not indicate necessarily the surface current.  
14 There is a note to that effect at the beginning of the  
15 book.

16 MR. JACQUES: I am sure the Commission can  
17 read.

18 THE CHAIRMAN: That is quite all right.

19 MR. JACQUES: Further to the comment which I  
20 made as regards public harbours, I have obtained a list  
21 of the public harbours in Canada proclaimed under Part 10  
22 of the Canada Shipping Act and administered under the  
23 control of the Department of Transport. I should like  
24 to file this list as Exhibit 511.

25 THE CHAIRMAN: Will you give the description of  
26 that?

27 MR. JACQUES: A list of public harbours in  
28 Canada, proclaimed under Part 10 of the Canada Shipping  
29 Act and administered under the control of the Department  
30 of Transport.







1 ENGLISH

2 ---EXHIBIT NO. 511: List of public harbours in Canada  
3 proclaimed under Part 10 of the  
4 Canada Shipping Act, administered  
under the control of the Department  
of Transport.

5 MR. LANGLOIS: This does not include all public  
6 wharves?

7 MR. JACQUES: No, public harbours. I have  
8 also obtained a copy of the Public Harbour Regulations,  
9 enacted under Part 10 of the Canada Shipping Act,  
10 together with the latest amendments, which I should  
11 like to file as Exhibit 512.

12 ---EXHIBIT NO. 512: Copy of Public Harbour Regulations,  
13 enacted under Part 10 of the Canada  
14 Shipping Act, together with latest  
amendments.

15 MR. JACQUES: I have also obtained copies of  
16 the statutes of the Commission Harbours in Canada,  
17 together with regulations applicable. I understand that  
18 one may not file a law, but, nevertheless, for the sake  
19 of convenience, it might be well to file, in one bundle,  
20 the statute and by-laws applicable for each of these  
21 harbours. As Exhibit 513, the statute for New Westminster  
22 and by-laws.

23 MR. LANGLOIS: They will have a different  
24 Exhibit No. for each statute?

25 MR. JACQUES: Each Commission Harbour will have  
26 its own number.

27 ---EXHIBIT NO. 513: Statute and by-laws for New  
28 Westminster Harbour.

29 MR. JACQUES: As Exhibit No. 514 -- and I am  
30





1 ENGLISH

2 sorry, I have no French copies of these documents -- I  
3 would file the statute and by-laws for Nanaimo Harbour.

4  
5 ---EXHIBIT NO. 514: Statute and by-laws for Nanaimo  
6 Harbour.

7 MR. JACQUES: Exhibit 515, Belleville Harbour.

8 ---EXHIBIT NO. 515: Statute and by-laws for Belleville  
9 Harbour.

10 MR. JACQUES: As Exhibit 516, Toronto.

11 ---EXHIBIT NO. 516: Statute and by-laws for Toronto.

12 MR. JACQUES: 517, Port Alberni.

13 ---EXHIBIT NO. 517: Statute and by-laws for Port  
14 Alberni.

15 MR. JACQUES: Exhibit 518, Oshawa.

16 ---EXHIBIT NO. 518: Statute and by-laws for Oshawa.

17 MR. JACQUES: Exhibit 519, Lakehead.

18 ---EXHIBIT NO. 519: Statute and by-laws for Lakehead.

19 MR. JACQUES: Exhibit 520, Windsor.

20 ---EXHIBIT NO. 520: Statute and by-laws for Windsor.

21 MR. JACQUES: Exhibit 521, Hamilton.

22 ---EXHIBIT NO. 521: Statute and by-laws for Hamilton.

23 MR. JACQUES: Exhibit 522, North Fraser.

24 ---EXHIBIT NO. 522: Statute and by-laws for North Fraser.

25 MR. JACQUES: I have also the copy of the  
26 statute and by-laws applicable to the Winnipeg and  
27 St. Boniface Harbour. I do not think, My Lord, we need  
28 file these in this Commission. If my learned friends  
29  
30









1 ENGLISH

2 would advise me whether there is Pilotage in this  
3 District.

4 As regards the Port Wardens, My Lord,  
5 I have not received the necessary information yet.

6 As Exhibit 523, a detailed statement  
7 of the expenses made under Public Funds for the Pilotage  
8 District of Quebec, Montreal, Cornwall and Kingston.  
9 If there is any objection on the part of my learned  
10 friends, we will postpone the filing of this document  
11 until we sit in Ottawa, when someone will give evidence  
12 on that. But anyway it is available now for future  
13 reference.

14 MR. LALONDE: I think, if my learned friend  
15 tells us that this document has been provided by the  
16 Department of Transport, we would be agreeable to  
17 having it filed, subject to further proof later on.

18 MR. JACQUES: Quite so, it has been supplied  
19 by the Department of Transport and received this morning.

20 ---EXHIBIT NO. 523: Detailed statement of the expenses  
21 made under Public Funds for the  
22 Pilotage Districts of Quebec,  
Montreal, Cornwall and Kingston.

23 My Lord, I am advised that the by-laws  
24 for Toronto Harbour, which have been filed as Exhibit 516,  
25 are not complete. Mr. Mason, from Toronto, who should  
26 know, I dare say, claims they are not complete. These  
27 documents were supplied to me by the Department of  
28 Transport. At any rate, we will check them, My Lord.

29 Captain Catinus, please.

30





1 ENGLISH

2 THE CHAIRMAN: As we are going to adjourn at  
3 4:30 tonight, we had better take a recess right now  
4 before we start another witness.

5 MR. JACQUES: Very well, My Lord.

6 THE CHAIRMAN: We will take a short recess  
7 at this time.

8 ---RECESS.

9  
10 WILFRED ANTHONY WILLIAM CATINUS, Sworn

11 DIRECT EXAMINATION BY MR. JACQUES:

12 Q. Will you state your full name and age,  
13 please?

14 A. Wilfred Anthony William Catinus, 50  
15 years of age.

16 Q. What is your occupation?

17 A. I am Regional Superintendent of Pilots,  
18 Montreal.

19 Q. How long have you been in that position?

20 A. Just one year.

21 Q. And previous to that what was your  
22 occupation?

23 A. Previous to that I was working in the  
24 Seaway with the Department of Transport, on a Department  
25 of Transport Research vessel on the Great Lakes.

26 Q. In what capacity did you work on that  
27 vessel?

28 A. On that vessel I worked as Chief Officer.

29 Q. I presume, therefore, that you have had  
30 previous sea experience?







1 ENGLISH

2 A. I have had nearly 34 years of sea  
3 experience.

4 Q. Do you hold any certificates?

5 A. I hold a Master's certificate foreign  
6 going.

7 Q. Issued by whom?

8 A. Issued by the Board of Trade, or the  
9 Ministry of Shipping, London.

10 Q. When?

11 A. 1939.

12 Q. Did you serve in command of any merchant  
13 ships?

14 A. Very briefly before the War. Very  
15 briefly after the War before I came to Canada, and then  
16 I had 10 years with a towing and salvage company in  
17 Canada when I came over here.

18 Q. In what area did you work in Canada  
19 with the towing and salvage company?

20 A. All over the Great Lakes.

21 Q. In your previous sea experience where did  
22 you trade?

23 A. In the 30's I was trading between Europe  
24 and Australia from 1934 to 1939. It was in the Indian  
25 Ocean, the Persian Gulf, south, east, west, and North  
26 Africa, Burma, Ceylon, and throughout the War in the Navy.

27 Q. Which Navy?

28 A. In the Royal Navy. After the War I  
29 worked some 3 years I think it was in the railway steamers  
30 that operate between Britain and France. Then I came out





1 ENGLISH

2 to Canada.

3 Q. In what rank did you serve in the Royal  
4 Navy?

5 A. My last rank was Lieutenant Commander.

6 MR. JACQUES: In order to accommodate my learned  
7 friends, My Lord, I should like to file several documents,  
8 to which witnesses will refer later on.

9 ---EXHIBIT NO. 524: List of Pilots on strength in the  
10 Pilotage District of Montreal as of  
11 February 14, 1963.

12 Q. Would you look at this Exhibit, sir,  
13 and tell me whether it is exact to the best of your  
14 knowledge?

15 A. To the best of my knowledge, it is.

16 ---EXHIBIT NO. 525: List of Montreal Harbour Pilots on  
17 strength as of February 14, 1963.

18 Q. Would you look at this list and tell  
19 me whether it is exact?

20 A. It is.

21 ---EXHIBIT NO. 526: Statement of earnings and workload  
22 of Pilots from Quebec to Three Rivers  
23 and Three Rivers to Montreal for the  
24 years 1958 to 1962 inclusive.

25 Q. Would you look at this document, sir,  
26 and tell me whether it is exact to the best of your  
27 knowledge?

28 A. I can give no personal information prior  
29 to 1962, but to the best of my knowledge it is correct.

30 THE CHAIRMAN: When you say Quebec, Three  
Rivers, and Montreal, what do you mean?







1 ENGLISH

2 MR. JACQUES: Quebec to Three Rivers, and Three  
3 Rivers to Montreal.

4 ---EXHIBIT NO. 527: Statement of earnings and workload  
5 of Pilots for Montreal Harbour for  
6 the years 1958 to 1962 inclusive.

7 Q. Would you look at this document and tell  
8 me whether it is exact to the best of your knowledge?

9 A. The same remarks apply to it as to the  
10 previous Exhibit.

11 ---EXHIBIT NO. 528: Statement showing the number of days  
12 on which each Pilot was on sick  
13 leave or absent sick and of the days  
14 off on Committee meeting, days on  
15 suspension, number of trips in,  
16 number of trips out and the total  
17 number of trips for the section  
18 Montreal to Three Rivers for the  
19 years 1960, 1961 and 1962.

20 Q. Would you look at these documents and  
21 tell me whether they were prepared in your office?

22 A. I believe they were prepared by the  
23 District Supervisor of Pilots in my office.

24 MR. JACQUES: My Lord, I should have on Monday  
25 a similar statement for the section Three Rivers to  
26 Quebec.

27 THE CHAIRMAN: We will put it in right away.

28 MR. JACQUES: I think it might be convenient,  
29 My Lord, to quote the next section for Quebec to Three  
30 Rivers as Exhibit No. 529.

---EXHIBIT NO. 529: Statement showing the number of days  
on which each Pilot was on sick leave  
or absent sick, and the days off on  
Committee meeting, days on suspen-  
sion, number of trips in, number of





1 ENGLISH

2 ---EXHIBIT NO. 529: trips out, and the total number of  
(Cont'd) trips for the section Three Rivers to  
3 Quebec for the years 1960, 1961 and  
4 1962.

5 ---EXHIBIT NO. 530: Statement similar to Exhibits 528  
and 529 as regards the Montreal  
6 Harbour Pilots for the years 1960,  
7 1961 and 1962.

8 Q. Would you look at these documents, sir,  
and tell me whether they were prepared in your office?

9 A. I believe they were prepared under the  
10 same District Supervisor of Pilots at Montreal.  
11

12 ---EXHIBIT NO. 531: Statement giving the number and  
nature of certificates held by the  
13 Pilots of the Montreal and Quebec  
District.  
14

15 Q. Would you look at that document and tell  
me if it is exact to the best of your knowledge?

16 A. Yes, this was checked by and gone into  
17 by the District Supervisor of Pilots at Montreal.  
18

19 ---EXHIBIT NO. 532: Statement giving the number and  
nature of certificates held by the  
20 Montreal Harbour Pilots.

21 THE WITNESS: The same remarks apply to this  
22 as to the previous Exhibit.

23 ---EXHIBIT NO. 533: Statement of account of the Montreal  
24 Pilots pension fund for the years  
1961 and 1962.

25 MR. JACQUES: This document is not prepared by  
26 your office, I believe, and is prepared by Ottawa. This  
27 document was given to the Commission by the Department  
28 of Transport in Ottawa.  
29  
30







1 ENGLISH

2 ---EXHIBIT NO. 534: Annual report for the navigation  
3 season of 1962 for the Montreal  
4 District, the Cornwall District,  
5 the Montreal Harbour District.

6 MR. JACQUES: This is a misnomer, because  
7 Montreal Harbour is within the Montreal District, and it  
8 is just a section of the District.

9 THE WITNESS: Yes, sir, it was prepared in  
10 my office.

11 MR. JACQUES: This is the only annual report  
12 of the type which we have been able to find, My Lord.

13 ---EXHIBIT NO. 535: Statement of reported casualties  
14 involving Pilots in the District of  
15 Montreal for the years 1956 to 1962  
16 inclusive, giving the dates of the  
17 casualty, the name of the ship, the  
18 name of the Pilot, the nature of the  
19 casualty, the probable cause, and  
20 the penalty when any has been imposed.

21 MR. JACQUES: I have further documents as  
22 regards the District of Cornwall and Kingston, and I  
23 would prefer waiting until the Supervisor of Cornwall  
24 is here.

25 THE CHAIRMAN: That will be all right.

26 Q. Would you state what your functions are  
27 as Regional Superintendent of Pilots?

28 A. I am responsible for the District of  
29 Cornwall, Montreal Harbour and Quebec. I act as President  
30 of the Board of Examiners when apprentices are examined  
for Pilots and when would-be apprentices are examined  
for entrance as apprentices.

All casualties, as soon as one occurs  
within the District, are reported to me, and I examine





1 ENGLISH

2 the reports and comment on individual Pilots, if required,  
3 and send these reports to Ottawa, with my recommendations.

4 I have the responsibility for the Pilot boats --

5 MR. JACQUES: I am sorry, sir, but you will  
6 have to speak very much louder because all these gentle-  
7 men here can't hear you.

8 THE CHAIRMAN: Or closer to the microphone.

9 THE WITNESS: I am generally responsible for  
10 the District stretching from Cornwall in the west to  
11 Les Escoumains in the east. It includes making reports  
12 and recommendations that I might deem advisable in the  
13 event of any casualties in the District, and these  
14 casualty reports are ultimately sent to me. I study  
15 them, and if necessary, see the Pilot concerned, and I  
16 send these reports, or a copy of them, to Ottawa with  
17 my comments and recommendations.

18 Part of my functions consist of sitting  
19 as Chairman of the Board of Examiners, either for  
20 apprentices to Pilots or entering into the apprenticeship  
21 scheme.

22 I am responsible for the good management  
23 and operation of the Pilotage Boats at Les Escoumains,  
24 and these Districts consist of Cornwall, Montreal with  
25 its harbour district, and Quebec, down to Les Escoumains,  
26 and in those Districts there was a District Supervisor  
27 in Quebec, a District Supervisor in Montreal and a  
28 District Supervisor in Cornwall.

29 Q. Now, sir, would you describe the staff  
30









1 ENGLISH

2 and facilities available in Montreal?

3 A. The staff and facilities available have  
4 been described in the annual report, and briefly  
5 explained. They consist of dispatching, signal service,  
6 and accountancy.

7 Q. As regards dispatching, will you describe  
8 in further detail your dispatching system in Montreal?

9 A. First of all we have one section which  
10 deals with dispatching for the Seaway Pilots, as we  
11 call them, the Cornwall District, and separately another  
12 dispatching desk alongside of it for dispatching of  
13 Montreal Harbour and Montreal River Pilots.

14 Q. How many dispatchers have you got on  
15 duty?

16 A. We have one in each section. It is  
17 on shift work. We also have at the same time on duty  
18 the signal staff, and in daytime, of course, we have a  
19 large staff. We have the day men, the Chief Dispatcher,  
20 the Chief Signal Clerk, and, of course, in the accountancy  
21 office a day staff only.

22 Q. As regards dispatching for the Seaway,  
23 harbour, and river, do you have a dispatcher on 24 hours  
24 a day?

25 A. Yes.

26 Q. One for the three dispatching sections,  
27 or one for each of them?

28 A. The District Supervisor could give it  
29 in more detail, but at times it gets down to one dispatch-  
30 er for the two Districts, and one signalmen, but the





1 ENGLISH

2 actual numbers could be more accurately found out by  
3 looking at the list of work.

4 Q. Would this list be available?

5 A. The Personnel Manager would have such  
6 a list of functions.

7 Q. Thank you. We will examine him on  
8 this sector, and apart from the dispatching you have  
9 the accounting?

10 A. Yes.

11 Q. How many people would you have on your  
12 accounting staff?

13 A. We have the Chief Accountant, his  
14 assistant, and two young women, which is four.

15 Q. And apart from that there is the local  
16 supervisor in Montreal?

17 A. That is right, and his secretary.

18 Q. And yourself?

19 A. That is right, and my secretary.

20 Q. Where is the Pilotage Office here in  
21 Montreal?

22 A. On Sutherland Pier.

23 Q. Is the building owned by the Department  
24 of Transport?

25 A. I believe it is. Not to my own knowledge,  
26 but I believe so.

27 Q. It is a public building?

28 A. Yes.

29 Q. And in Cornwall, which is your District,  
30 would you describe the facilities available there?







1 ENGLISH

2 A. Well, the Cornwall District Office  
3 really controls the Kingston District. It is the end  
4 of my District there, but there is an office there, and  
5 the Supervisor in Cornwall is actually the Supervisor  
6 for the Kingston District. There are dispatchers also.

7 Q. Would you know whether this dispatching  
8 station is manned 24 hours a day?

9 A. During the navigation season, yes.

10 Q. In the Quebec District would you  
11 describe the facilities available?

12 A. They are similar to the facilities in  
13 the Montreal office.

14 Q. And at Les Escoumains have you any  
15 facilities?

16 A. We don't have at the moment a Super-  
17 visor of Pilots down there. It consists of a rented  
18 building, and we have four clerks in that building,  
19 one of whom is temporarily in charge, and they work on  
20 shift work 24 hours a day.

21 Q. Would these clerks do any dispatching?

22 A. Yes indeed they do.

23 Q. Where is the dispatching done?

24 A. At Les Escoumains, Quebec, Montreal and  
25 Cornwall.

26 Q. Is there any dispatching done at Three  
27 Rivers?

28 A. And Three Rivers, and we have calls to  
29 dispatch from Sorel.

30 Q. What facilities have you available at





1 ENGLISH

2 Three Rivers?

3 A. It is a comparatively new building at  
4 Pointe des Ormes, and there is an officer in charge there,  
5 and we have the dispatching staff, again on a 24 hour a  
6 day coverage.

7 Q. And in Sorel?

8 A. In Sorel we just have the dispatchers  
9 and signal clerks. In Sorel the staff there are on a  
10 24 hour rotation, at least they are open 24 hours a day,  
11 principally signal agents, but they also, if necessary,  
12 do dispatching, because they call us up if they need a  
13 Pilot.

14 Q. In Montreal, Quebec, Cornwall and Les  
15 Escoumains would your dispatching staff look after the  
16 signal service also?

17 A. At which stations did you say, please?

18 Q. Les Escoumains?

19 A. They do both.

20 Q. In Quebec?

21 A. The dispatching is separate from signals.

22 Q. Three Rivers?

23 A. They do both.

24 Q. Sorel?

25 A. Both.

26 Q. Montreal?

27 A. Separate. Well, they alternate, but  
28 actually it is separate. It is so that they can learn  
29 both duties, you see.

30 Q. But you have got separate staff?







1 ENGLISH

2 A. Yes.

3 Q. In Cornwall?

4 A. In Cornwall they do both.

5 Q. Would, in any of these Districts, the  
6 Department of Transport provide any facilities to Pilots  
7 for boarding vessels?

8 A. In Les Escoumains the Department of  
9 Transport provides the pilot cutters #9 and 10. In  
10 Quebec and in Three Rivers they don't supply it. It is  
11 done by private enterprise.

12 Q. And in Montreal?

13 A. In Montreal it does not apply. There is  
14 no boat in Montreal.

15 Q. And in Cornwall?

16 A. It doesn't apply either. They go by  
17 taxi to the Snell Lock.

18 Q. At Les Escoumains where are these boats  
19 actually stationed, and on whose wharf?

20 A. We have a new quay at Anse aux Basques  
21 Cove. The station is not completed because the Pilots  
22 building has not yet been erected, and they have been  
23 operating from Les Escoumains pier, and high up on a hill  
24 there is a rented house, which is a temporary Pilotage  
25 Office.

26 Q. Would you recall how old these boats  
27 are?

28 A. These boats are comparatively new. They  
29 were before my time, but they are new boats.

30 Q. Would you know how long you have been





1 ENGLISH

2 occupying a temporary station at Les Escoumains?

3 A. Not of my own knowledge. They moved  
4 over from Father Point before my time. I would have to  
5 look it up.

6 Q. As regards your dispatching, have you  
7 received any complaints from Pilots?

8 A. There was an instance I recall fairly  
9 recently which was dealt with by the Supervisor, which  
10 they mostly are, of a Pilot who was alleged to have been  
11 called, and failed to show up, whereas he was able to  
12 show, in fact, that he had not been called. So he  
13 lodged a complaint, which has been dealt with by the  
14 District Supervisor.

15 That is the only complaint which comes  
16 to my mind at this moment.

17 Q. That was where?

18 A. At Three Rivers.

19 Q. Would you recall any complaints in  
20 Montreal?

21 A. By Pilots do you mean?

22 Q. Yes?

23 A. Not at the moment, I can't recall any,  
24 no.

25 Q. In Quebec?

26 A. No.

27 Q. In Les Escoumains?

28 A. None that have come to my notice  
29 officially, no.

30 Q. And in Cornwall?







1 ENGLISH

2 A. Not in Cornwall, no.

3 Q. As regards dispatching, have you  
4 received any complaints from ship owners?

5 A. As I have mentioned, these complaints  
6 in the first instance usually go to the District Super-  
7 visor concerned.

8 It has come to my attention that there  
9 have been complaints in the Montreal District for  
10 example of, say, a Harbour Pilot being sent instead of  
11 a River Pilot, or vice versa, and these have been dealt  
12 with by the District Supervisor of Pilots in both cases.

13 I think there was one case I had to  
14 deal with last year, and I have to point out that our  
15 dispatching is based on orders received by telephone,  
16 which are always repeated by the dispatcher --

17 Q. Repeated to whom?

18 A. Repeated to the person giving the order.

19 Q. At the same time?

20 A. Yes, while they are being noted in the  
21 order book, and in this particular instance, I have  
22 forgotten the ship, but it is reasonably fair to assume  
23 that the mistake could equally well have been made by the  
24 person giving the order.

25 Q. I believe, sir, that you have received  
26 complaints from the St. Lawrence Seaway Authority on  
27 delays caused by the lack of Pilots. Now, I wonder if  
28 the Secretary would let me have Exhibit No. 493.

29 I show you Exhibit No. 493, which  
30 purports to be a statement showing the vessel delays on





1 ENGLISH

2 account of lack of Pilots. Would you tell me whether  
3 you have received this document, and if so, from whom?

4 A. I recall this was last year. The  
5 complaints were made to the authorities in Ottawa. I  
6 asked for a copy of them, and studied each individual  
7 complaint and I --

8 Q. Would this document be the one which  
9 you have been supplied with?

10 A. Yes, it is the document I was supplied  
11 with, because I recognize the writing of the Supervisor.

12 Q. And the handwriting on this document,  
13 is that yours?

14 A. No. This handwriting is the handwriting  
15 of the District Supervisor of Pilots in Montreal.

16 Q. I show you another document, which  
17 purports to be an answer to each and every one of the  
18 complaints contained in Exhibit 493. Would you look at  
19 this document and tell me by whom it was prepared, if  
20 you know?

21 A. Yes. This document was prepared -- I  
22 prepared it.

23 Q. By whom?

24 A. I prepared it.

25 Q. You prepared it? Now, would you sum  
26 up your findings of these delays.

27 A. Shall I take them ship by ship?

28 Q. Yes.

29 A. The first one on this list is the United  
30







1 ENGLISH

2 States "Marine Fiddler". The date is April 23rd. The  
3 statement says that she was "upbound in the Lock from  
4 4.10 P.M. to 5.10 P.M." That is to say one hour. I  
5 should state that the heading of this document is  
6 "Statement showing the vessel delays on account of lack  
7 of Pilots. The concerned period is from the opening of  
8 the 1962 navigation season to June 30, 1962."

9 The second one on that date was the  
10 motor vessel "Murray Bay" -- downbound and tied up on  
11 the upper wall from 5.00 P.M. to 5.10 P.M. -- 10 minutes.

12 The third ship on that date was the  
13 "Frankcliffe Hall" -- upbound at the lower approach wall  
14 from 4.10 P.M. to 5.10 P.M., a delay of one hour.

15 Q. What comments would you make as regards  
16 those three ships being delayed?

17 A. In the case of the three ships, these  
18 are the comments on shipping movements: "All shipping  
19 movements were disorganized at this time due to the  
20 Eisenhower Lock breakdown. Many ships had to anchor  
21 and wait on Lake St. Francis. Pilots disembarked and  
22 returned to Montreal for reassignment. Such is what  
23 happened in this case. Pilot Andre Letiouillier was the  
24 first Pilot to become available and was sent to the  
25 'Marine Fiddler'. The remaining two ships, SS 'Murray  
26 Bay' and MV 'Frankcliffe Hall' suffered delays resulting  
27 from the above circumstances." May I explain? I would  
28 like to explain at this time -- and this is from records,  
29 not of my own personal knowledge -- due to the breakdown  
30





1 ENGLISH

2 which I believe lasted about a week in the Eisenhower  
3 Lock, ships were going up as far as they could and  
4 anchoring in order to facilitate movement. When the Lock  
5 was repaired, Pilots left the ships and came down and  
6 brought more up. Then, when the Eisenhower Lock was in  
7 operation, then they started taking the ships up and this  
8 would be such a delay.

9 Q. Would this movement of Pilots, which  
10 was rather more rapid than usual, appear in your files in  
11 your office?

12 A. Records of the Pilot's movements would  
13 be kept by the Chief Dispatcher. I do not have them  
14 myself.

15 Q. What comments would you have to offer on  
16 the second case?

17 A. I was going to say, on the first case,  
18 the delays that were suffered by these three ships, in  
19 my opinion, were nothing to do with the Pilot. The end  
20 fact was a breakdown in the Eisenhower Lock.

21 The next item is dated May 4th and the  
22 ship concerned was the "Col. Robert McCormick": Downbound  
23 from Montreal, from 4.53 A.M. to 5.11 A.M., a delay of  
24 18 minutes and the report says: "No other vessel delayed."  
25 The notes on this read: "This ship was actually in the  
26 Lock at St. Lambert, and had been there for some three  
27 minutes, when the order for a Pilot was received at 0456  
28 in the Montreal office. The ship was able to proceed  
29 some 16 minutes later, which shows that the Pilot wasted  
30









1 ENGLISH

2 no time in reporting for duty. The reason for this lack  
3 of information is that no report was received from St.  
4 Catherine Lock on this ship, as was the procedure at  
5 this time, nor is it known why this was not done."

6 Q. You received the request for a Pilot at  
7 4.56 you say?

8 A. Three minutes after the ship was in  
9 the Lock.

10 Q. Was that A.M. or P.M.?

11 A. A.M.

12 Q. And 16 minutes later a Pilot was on  
13 board the vessel?

14 A. According to the records, that is  
15 correct.

16 Q. According to whose records?

17 A. To our records.

18 Q. Would your records show the time at  
19 which you received the request for a Pilot?

20 A. That is recorded in our Dispatch Book.

21 Q. Would you record the time at which you  
22 called a Pilot to report to a ship?

23 A. That is also reported, yes.

24 Q. How are you able to trace the time at  
25 which the Pilot boarded the ship?

26 A. That would be done by looking at the  
27 Pilot's Source Form.

28 Q. So that particular time you would have  
29 to wait until the job was completed and the Source Form  
30 handed over to you before you could give accurate infor-





1 ENGLISH

2 mation?

3 A. But this request came through sometime  
4 after and it stretches from April to June and it was  
5 after June when we received this complaint so, therefore,  
6 when we got it we looked up all the necessary records.

7 Q. Now, what notice do you require to  
8 supply a Pilot? Do you have a set number of hours?

9 A. We have -- an hour and a half notice  
10 in the Harbour and two hours notice if it is down in  
11 Longue Pointe.

12 Q. An hour and a half notice in the Harbour  
13 and --?

14 A. From Longue Pointe two hours.

15 Q. From Longue Pointe it is two hours?

16 A. The dispatcher would be -- I would  
17 like to explain. It might not be clear to anyone in a  
18 ship who is delayed, because no report was received from  
19 St. Catherine Lock. The system in operation in those  
20 days was that when a ship was downbound there is a direct  
21 line between St. Catherine and the Pilotage Office.  
22 When a ship is downbound and reached St. Catherine Lock,  
23 then a call would be sent to the Montreal Office and a  
24 Pilot would have been dispatched to take over the ship  
25 and take it out of the Lock. This is an instance where  
26 no call was received. We do not know why a call was not  
27 received. We were not able to find out. The call should  
28 have come from Seaway employees in St. Catherine Lock.

29 Q. To go back to the length of notice which  
30







1 ENGLISH

2 you require, is this a general rule, an hour and a half  
3 in the Harbour and two hours at Longue Pointe?

4 A. No. I think it is the practice. I do  
5 not recall seeing it in writing. The Dispatcher would  
6 probably be able to give more accurate information on that.

7 Q. Normally how long does it take a Pilot  
8 to report to a ship?

9 A. That is a difficult question because it  
10 depends on where the Pilot lives and where the ship is  
11 situated. This is intended, I understand, to give them  
12 sufficient time to get to wherever they were required.

13 Q. Now, can you explain how the Pilot was  
14 able to get on board this particular ship within 16 minutes?

15 A. Yes, I can explain from my experience.  
16 I can't say that it was a matter of fact, but undoubtedly  
17 it was. These records do not show exactly where the  
18 "Col. Robert McCormick" was going, but it could be  
19 checked up.

20 Now, the point is, if it were going,  
21 say, in the Harbour, we would use a Harbour Pilot and  
22 there are Harbour Pilots who live in the area and if we  
23 were caught in such an emergency, we would call the  
24 nearest available Harbour Pilot for that Harbour. That  
25 would account for the short time taken for the Pilot to  
26 get there.

27 Q. Now, would you have any comments to offer  
28 on the third case mentioned in Exhibit 493?

29 A. The next, the third case, is dated May  
30





1 ENGLISH

2 the 6th, 1962 and the ship concerned is the "Seaway Queen",  
3 downbound in the Lock from 7.15 A.M. to 7.30 A.M., a delay  
4 of 15 minutes. The remarks that are given in this  
5 complaint by the St. Lawrence Seaway Authority read as  
6 follows: "Reported by the Master of the concerned vessel  
7 that he, the Master, was waiting for the Pilot, when,  
8 at that time, the Pilot ..." The name is mentioned.  
9 Do I mention the name?

10 Q. No. Don't mention the name. I see.  
11 The Pilot is here and he wants his name mentioned?

12 A. The Pilot is named in the report. I  
13 wondered if you wanted the name read.

14 Q. Yes. Read it.

15 A. I will start again: the "Seaway Queen",  
16 downbound in the Lock from 7.15 A.M. to 7.30 A.M. -- a  
17 delay of 15 minutes. The report by the Seaway Authorities  
18 reads as follows: "Reported by the Master of the concerned  
19 vessel that he, the Master, was waiting for the Pilot,  
20 when at that time the Pilot Tremblay was already on board  
21 the vessel. It was found later that the Master was  
22 waiting for some Security Officers. The said vessel was  
23 sent at the lower approach wall. No other vessel was  
24 delayed on account of the above." I might add that this  
25 is not in the report, but it is well known to everybody  
26 that at this time this particular company was at that  
27 time, and I believe still is, engaged or, rather, troubled  
28 by labour difficulties and I know, from my own observation,  
29 that they had Security Officers on board their ships. So

30







1 ENGLISH

2 that when this comment says "the Master was waiting for  
3 some Security Officers", it was to do with their labour  
4 troubles.

5 My remarks on the "Seaway Queen" incident  
6 read as follows: "The delay suffered by this ship is  
7 explained in the Seaway Authority's own report, mainly  
8 that the Master was, in fact, waiting for some security  
9 officers and was not delayed by the pilot who was on  
10 board. As is known, the Company owning the ship was  
11 and is involved in a labour-management and inter-union  
12 dispute, ..."

13 Q. Would you go to the next case now?

14 A. The next case is dated May 21, a vessel  
15 called the "Shenago 11" -- I do not know if it is two  
16 or eleven -- upbound, in the Lock from 6.10 P.M. to  
17 6.30 P.M. -- a delay of 20 minutes and the remark by the  
18 Seaway Authority is: "No other vessel delayed."

19 The remarks on this particular ship  
20 read as follows: "This United States barge proceeded  
21 direct into the Seaway, upbound, from the River and had  
22 no local agents. The Master did not indicate that he  
23 required a Seaway Pilot. In the event, the ship had  
24 entered St. Lambert Lock before a call was received in  
25 the Montreal Office for a Seaway Pilot. It so happens  
26 that the order was relayed to the Montreal Office by  
27 Pilot Scott who was, at that time, waiting for the  
28 downbound SS "Banda". I can point out that some ships  
29 do not take Pilots and we wouldn't have known anything  
30





1 ENGLISH

2 about this ship requiring one. And, although I do not  
3 have it in the remarks, I would say that, in connection  
4 with this, that the onus of responsibility for ordering  
5 a Pilot would rest with the Master and we did not receive  
6 any order for this Pilot until she had reached or  
7 entered St. Lambert Lock. So we gave the service as  
8 best we could, which would account for the delay of  
9 20 minutes.

10 Q. Yes. Would you move on to the next  
11 case?

12 A. The next case is dated May 26th. It  
13 relates to the "John E. F. Misener", downbound, in the  
14 Lock from 3.06P.M. to 3.37 P.M. -- a delay of 31 minutes.  
15 The remarks by the Seaway Authority read: "No other  
16 vessel delayed."

17 My remarks in reply to this, on the  
18 "John E. F. Misener", read as follows: "The order for  
19 this downbound ship was received from St. Catherine Lock  
20 at 13.10. The delay was due to the fact that no class 'A'  
21 Pilot was immediately available. (NOTE. It was for this  
22 reason - insufficient time to obtain services of a  
23 Class 'A' Pilot) that arrangements were subsequently made  
24 with the Seaway Authorities for information regarding the  
25 movement of downbound ships to be teletyped from  
26 Beauharnois Lock. In solving one problem, this produced  
27 another, namely the difficulty in correctly estimating  
28 the time of arrival in St. Lambert Lock, and is a problem  
29 at present unresolved."

30







1 ENGLISH

2 Q. You say that now when a ship requires  
3 a Class "A" Pilot, she has to send in a request at  
4 Beauharnois?

5 A. The position -- and I am speaking from  
6 records now -- was that at one time the Pilots were  
7 ordered when we received the message from St. Catherine  
8 Lock, downbound. Before my time, it was felt from  
9 experience that this gave very little time in which to  
10 obtain the services of a Class "A" Pilot, should there  
11 happen to be a Class "A" Pilot and a meeting was held --  
12 and, again, before my time -- when it was arranged that  
13 the information would be teletyped from St. Lambert Lock.  
14 It was impossible for the dispatchers to accurately  
15 gauge the time it would take for a ship to come from  
16 Beauharnois Lock and arrive in St. Lambert Lock. My  
17 remarks were that the problem was, at the present,  
18 unresolved; but it has been resolved since then and it  
19 has been resolved as follows: From Beauharnois downbound,  
20 by teletype, we are informed of the time and the name  
21 of the ship and its destination. With this information  
22 we know the class of Pilot required -- that is to say  
23 whether it is A, B, C or whether it is a Harbour Pilot,  
24 and so on. Then it gives his time. If it is a Class "A"  
25 Pilot, and should there be none in Montreal, they have  
26 one in readiness for the ship's arrival. But, we still  
27 didn't know at that time the exact hour of arrival in  
28 St. Lambert Lock. So, an arrangement was subsequently  
29 made, after this report, that in addition to receiving  
30





1 ENGLISH

2 this teletyped information from Beauharnois Lock, down-  
3 bound, we would also receive a telephone call from St.  
4 Catherine Lock, indicating the type of ship that was  
5 in the Lock. Now, this would give us approximately an  
6 hour and 15 minutes. I am not sure, but it would give  
7 us the time.

8 Q. From the time of receiving your  
9 telephone call?

10 A. We know that it would be around that  
11 time after leaving St. Catherine Lock.

12 Q. After what?

13 A. It will give us that time interval  
14 after a ship leaves St. Catherine Lock. So, we have the  
15 time when they enter the Lock and it would give us a  
16 more accurate idea of the time the ship would reach  
17 St. Lambert Lock. We are trying further arrangements  
18 -- this is really on the test at the moment -- and that  
19 is that we hope that we will be able to supersede this  
20 system by direct radio communication with the Seaway  
21 ships.

22 Q. And how would this be arranged?

23 A. A set has been under test for some  
24 time and when this test period is over and it is proven  
25 satisfactory, then we hope to get this information  
26 directly from the ships, from the Pilots of the Seaway  
27 ships. They all carry these frequencies in any case.

28 Q. Radio telephone?

29 A. Yes. So that means we should  
30 experience no further delays of this kind. There has









1 ENGLISH

2 been a few cases this year when one or two cases, perhaps  
3 three or four, where we have not received the information  
4 from St. Catherine Lock and we have not been able to  
5 find out why. Once we have this set in physical  
6 operation, we should be able to completely overcome  
7 this difficulty.

8 Q. When do you expect to have this new  
9 system in operation?

10 A. The last frequency was put in yesterday  
11 and we have, from memory -- I will give it to you  
12 exactly. Excuse me. We will have in this set channels  
13 11, 12, 14 and 16 and it is in operation, but it has not  
14 been passed yet. I imagine that this -- I do not know  
15 whether I should commit myself exactly, but I imagine  
16 that -- I do not know whether I should say within a  
17 matter of a week or so. It is hard to say. Our  
18 licence will come. I can't commit myself on that. I  
19 do not know. I have a report that it is operating very  
20 satisfactorily and I have requested by telephone that it  
21 be licensed.

22 Q. But why four channels, as you call them?

23 A. Do you wish me to explain the channels?

24 Q. Yes.

25 A. I do not know if you want to look at  
26 my notes.

27 Q. No, I do not want to look at your notes.  
28 But you are entitled to use your notes.

29 A. Well, then, channel 16 is 156.8 mega-

30





1 ENGLISH

2 cycles. This is a safety and security call. If not  
3 operating, sets should be open on this frequency. It  
4 is equivalent to 2182 of AM.

5 Q. So you will be listening at all times  
6 on this frequency?

7 A. That is correct.

8 Q. Yes?

9 A. Channel 11 is a purely private frequency.  
10 It is a Pilotage which is 156.55. On this channel  
11 we can talk directly with such Pilots as have their  
12 -- I should explain that we would be calling, either  
13 listening or calling on 156.8, which is channel 16, and  
14 from that point on we will change to other channels as  
15 required. If we were talking to a Pilot who had a  
16 pilotage set with him, the pilotage frequency of 156.55  
17 megacycles --

18 Q. Which is channel 11?

19 A. Yes, which is channel 11, and the other  
20 two frequencies 12 and 14, are 156.6 and 156.7 and they  
21 are called "ship-to-shore" frequencies. And we would  
22 use channel 14 to communicate with Beauharnois Lock.

23 Q. And all ships are listening on the  
24 safety frequency, I believe you call it?

25 A. They should be on the listening  
26 frequency.

27 Q. On channel 16?

28 A. On channel 16, 156.8, if they are not  
29 working on another frequency at the time. They always  
30







1 ENGLISH

2 come back to it, yes.

3 THE CHAIRMAN: I think you have exhausted  
4 that question, Mr. Jacques.

5 MR. JACQUES: I have one more question, sir.

6 Q. Since it appears that Pilots will be  
7 in direct touch with you by radio telephone, will you  
8 tell the Commission whether the Pilots on strength today  
9 have radio licences? That is, of course, in the District  
10 west of Montreal?

11 A. I am talking only now of the so-called  
12 Seaway Pilots at the Cornwall District. Now, I haven't  
13 seen them myself but I am informed that they do, in fact,  
14 have radio licences.

15 MR. JACQUES: Thank you. Thank you, My Lord.

16 THE CHAIRMAN: We will adjourn now, until  
17 Monday at 10:00 A.M. in the same place.

18 ---Whereupon the hearing was adjourned until ten o'clock  
19 A.M., July 8, 1963.

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# ROYAL COMMISSION

ON

## PILOTAGE

### HEARINGS

HELD AT

**MONTREAL**

**QUEBEC**

VOLUME No.:

44A

DATE:

July 8, 1963

**OFFICIAL REPORTERS**

ANGUS, STONEHOUSE & CO. LTD.

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English 1

ROYAL COMMISSION ON MARINE PILOTAGE

2

Proceedings of the hearing  
held at the Court House,  
Montreal, Quebec, on the  
8th day of July, 1963.

3

4

5

COMMISSION:

6

The Honourable Mr. Justice Bernier Chairman

7

Robert K. Smith, Esq., Q.C. Member

8

Harold A. Renwick, Esq. Member

9

Mr. Gilbert Nadeau Secretary

10

11

COMMISSION COUNSEL:

12

Mr. Maurice Jacques

13

Mr. Leopold Langlois, Q.C. for the Canadian Merchant  
Service Guild

14

15

PRESENT:

16

Mr. J. Brisset for the Shipping Federation  
of Canada

17

18

Mr. J.M. Jacques for the National Harbours  
Board

19

20

Mr. J. Mahoney )  
Mr. C. Mason ) for the Dominion Marine  
Association

21

Mr. Marc Lalonde for the Federation of St.  
Lawrence River Pilots;  
Corporation of the Lower  
St. Lawrence Pilots; the  
Corporation of the Mid-St.  
Lawrence Pilots; the Cor-  
poration of the Montreal  
Harbour Pilots; the  
Corporation of the St.  
Lawrence River and Seaway  
Pilots; the Corporation  
of the Upper St. Lawrence  
Pilots

22

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28

Captain J.S. Scott Technical Advisor to the  
Commission

29

30

Captain F.S. Slocombe for the Department of Trans-  
port and liaison officer





A P P E A R A N C E S

Wilfred Anthony William CATINUS

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English 1

Montreal Quebec,  
Monday,  
August 8th, 1963

2  
3  
4 ---Upon resuming at 10.00 a.m.

5 MR. JACQUES: My lord, to clarify a  
6 few matters from last week, as regards the bylaws for  
7 Toronto harbour under the Toronto Harbour Commissioners  
8 Act, I am advised that the bylaws annexed to the copy of  
9 the Act are those which apply to navigation. There  
10 are other bylaws which concern strictly administrative  
11 matters. They are not filed, but the bylaws con-  
12 cerning navigation within the limits of the harbour  
13 have been filed with Exhibit No. 516. So I submit  
14 that for the purposes of the Commission this Exhibit  
15 is complete.

16 Now, sir, as regards the Port Wardens  
17 I have secured from the Department of Transport the  
18 Regulations applied by Port Wardens elsewhere than in  
19 Montreal and Quebec. These consist of the Grain  
20 Elevator Regulations and the Timber Cargo Regulations.  
21 These are the only Regulations, apart from tariffs  
22 which govern the office of Port Warden, these two  
23 Regulations and the law, and nowhere either in the law  
24 or these Regulations do we find any mention of control  
25 over draught, that is under keel clearance, I am sorry,  
26 my lord, under keel clearance.

27 THE CHAIRMAN: As there is in Montreal?

28 MR. JACQUES: As there is in Montreal.

29 THE CHAIRMAN: Do you intend to file  
30 them?





English 1 MR. JACQUES: Yes, my lord, as a  
2 bundle. I have several other documents which I should  
3 like to file.

4 The tariff of Port Warden's fees for  
5 Churchill, Lakehead, Great Lakes District, Sorel in  
6 French and English, Three Rivers in French and English,  
7 the tariff applicable to Quebec in French and English,  
8 and Baie Comeau in French and English.

9 Now, these would serve as examples.  
10 There are other tariffs applicable elsewhere, and if  
11 your lordship wants them filed, we shall gladly do so.

12 THE CHAIRMAN: You may file those  
13 now, and if we feel it necessary that some others  
14 would have to be filed we shall inform you.

15 MR. JACQUES: Very well, my lord.  
16 These contain tariffs on surveys of hatches, surveys  
17 of cargoes inward and outward, damage surveys, and for  
18 hearing and settling disputes.

19 I should like to file those as a bundle.

20 THE SECRETARY: Exhibit No. 536.

21 ---EXHIBIT NO. 536:  
22 Bundle consisting of loading  
23 Regulations (grain and timber  
24 cargoes) made under Canada  
25 Shipping Act and governing  
26 operations of Port Wardens  
27 appointed under the Canada  
Shipping Act, together with  
Port Wardens' fees at Churchill,  
Lakehead, Great Lakes District,  
Sorel, Three Rivers, Quebec,  
Baie Comeau.

28 MR. JACQUES: Again on this subject,  
29 my lord, I beg to advise that the Montreal Port Warden's  
30 office is governed by 45 Victoria, Chapter 45, and the







English 1 Quebec Port Warden's Office is governed by Chapter 33  
2 of the 1871 Statutes and by Chapter 1137 of the 1873  
3 Statutes.

4 Now I would like to recall Captain  
5 Catinus.

6  
7 WILFRED ANTHONY WILLIAM CATINUS, recalled  
8 and sworn

9 DIRECT EXAMINATION BY MR. JACQUES, cont'd

10 Q. When we left off last week, sir, we  
11 were examining the statement of vessels delayed on  
12 account of lack of pilots, and we had examined the  
13 case of the "John E. F. Meisener", and we were just  
14 about ready to start on the case of the "Avery C.  
15 Adams".

16 A. Continuing this report, the next case  
17 was dated June 3rd. The ship concerned was the motor  
18 vessel "Avery C. Adams" upbound in the lock, from 10:03  
19 a.m. to 10.23 a.m., a delay of 20 minutes, and the  
20 remarks in the report stated "No pilot requested by the  
21 master before leaving the harbour. Vessel delayed on  
22 account of the above." And on the same date a motor  
23 vessel "Meneshima Maru" downbound at upper approach  
24 wall from 10.12 a.m. to 10.23 a.m., a delay of 11 minutes.

25 My reply to these two ships "Avery  
26 C. Adams" and "Meneshima Maru" were as follows:

27 "The explanation is contained in  
28 the Seaway Authority's own report:

29 'No pilot requested by the master  
30 before he left the harbour. Vessel





English 1 delayed on account of above.'

2 The 'Meneshima Maru' was also

3 delayed in consequence."

4 The next name mentioned in the report is dated June 3rd.

5 There are four ships. The first one is the motor vessel

6 "T. R. MacLaglen", downbound in the lock from 7.54 a.m.

7 to 8.30 a.m., a delay of 36 minutes. The report con-

8 tinues:

9 "Vessels delayed on account of the

10 above: Motor vessel 'Cape Transport'

11 upbound lower approach wall. The

12 next ship is the motor vessel

13 'Lealott'. The motor vessel

14 'Lealott' upbound lower approach

15 wall, and finally on that date the

16 motor vessel 'Continental Pioneer'

17 upbound lower approach wall from

18 7.54 a.m. to 8.30 a.m., a delay

19 of 36 minutes."

20 The reply to this report was that the "T. R. MacLaglan"

21 was delayed through a mistake made by the Montreal

22 despatcher. His name is I. Proulx, who for this and

23 other reasons was subsequently dismissed.

24 Q. So I believe this is the first case

25 that we have of actual delay caused through faulty des-

26 patching on the part of your staff; is that correct?

27 A. According to my inquiries, that is

28 correct.

29 The last remark on this particular date

30 reads:







English 1 "The remaining three ships were  
2 also delayed because of this mistake."

3 The next report is dated June 10th:

4 "The motor vessel 'Brigit Ragne',  
5 downbound in the locks from 5.20  
6 p.m. to 5.23 p.m., a delay of  
7 three minutes."

8 The remarks "No other vessel delayed." My remarks  
9 on the "Brigit Ragne" read as follows:

10 "These extremely brief delays  
11 of three and four minutes respec-  
12 tively require no comment. It  
13 has been ascertained, however,  
14 that the pilots concerned were  
15 delayed by road traffic condi-  
16 tions."

17 Q. Now, sir, would you be able to tell  
18 from your file when the pilot was ordered for the  
19 "Brigit Ragne"?

20 A. I think we have those records in our  
21 office. We don't have them here to the best of my  
22 knowledge, but we could find that out.

23 Q. Would you ask your staff to ascertain  
24 the date on which you received the order for this  
25 pilot, please?

26 A. I will do that.

27 Q. June 10, 1962, "Brigit Ragne", the  
28 time the pilot was ordered.

29 A. The next ship mentioned in the Seaway  
30 Authority's report is dated June 25th. The ship was





English 1 the motor vessel "Continental Pioneer", downbound in  
2 the lock from 11.50 a.m. to 12.02 p.m., a delay of four  
3 minutes. I would point out that I answered the case of  
4 the "Brigit Ragne" and "Continental Pioneer" by the  
5 remarks that were just read out.

6 The next ship report is dated July 4,  
7 1962. The ship is the steamer "Winnipeg", downbound  
8 waiting for a harbour pilot from 3.48 a.m. to 4.08 a.m.,  
9 a delay of 20 minutes, and the statement in the report  
10 continues -- may I mention the name?

11 Q. No, it is not necessary.

12 A. The report then mentions the name of  
13 the pilot concerned. The "Winnipeg", in my reply,  
14 reads as follows:

15 "The order was received at 0155  
16 for 00310, and the pilot called.  
17 Unfortunately he had to be called a  
18 second time, having fallen asleep  
19 again after receiving the order."

20 Q. Now, from your records are you able to  
21 tell us when that pilot was last on duty prior to this  
22 incident?

23 A. I believe that we -- yes, we could.  
24 From our records we could ascertain when he completed  
25 his last duty.

26 Q. Would you do so, please?

27 A. I will. I should state the times we  
28 will look up are the times that he finished his last  
29 assignment, because he would then revert to be on call,  
30 and technically he would not be off duty in the sense







English 1 of being available.

2 Q. I wanted to know the time he completed  
3 his previous job. For all we know, he might have com-  
4 pleted his previous job at midnight?

5 A. All right. I will have that looked  
6 into.

7 The next ship mentioned in this report,  
8 the report is dated July 28th, 1962, the "Naunberg".  
9 Arriving at approach wall, upbound, and waiting for turn.  
10 In brackets, the report continues:

11 "Pilot left ship. He was a  
12 river pilot. The report names  
13 the pilot. The remarks continue,  
14 vessel's captain requested VPX  
15 or VDX 20 to phone lockmaster and  
16 asked for the Cornwall pilot to  
17 go down to the vessel at extreme  
18 end of wall to bring it into lock."

19 The remarks further continue, Cornwall pilot refused.  
20 After phoning Pilot Office it was agreed between pilot  
21 and Pilot Office that Cornwall pilot, here the name is  
22 given, I repeat, that Cornwall pilot would board the  
23 ship below the lock, which he did.

24 While arrangements were being made the  
25 motor ship "Christian Sartori" proceeded ahead of "Naunberg."

26 The remarks or reply as regards the  
27 "Naunberg" read as follows:

28 "This ship was brought to the  
29 Seaway approach wall by a river  
30 pilot, and should have been taken over





English 1

there by a Seaway pilot."

2 This arrangement applies only to Seaway and river  
3 pilots.

4 Q. Now, whilst we are on the subject, will  
5 you explain that more fully, what happens when a ship  
6 leaves Montreal, leaves a dock at Montreal, to enter  
7 the Seaway, or comes up river, doesn't stop in  
8 Montreal, and enters the Seaway? Where do pilots  
9 change, and would you, if you can do so, briefly trace  
10 the history of this setup?

11 A. The river pilots bring a ship into  
12 the Seaway, and if the lock gates are open, they take  
13 the ship into the lock.

14 Q. And if the gates aren't open?

15 A. If the gates are closed, the Seaway  
16 pilot, I should say, correction, the river pilot, will  
17 tie up at the approach wall.

18 Q. Does he leave the ship there?

19 A. And having tied the ship up he is  
20 then free to leave and the ship is taken over by a  
21 Seaway pilot.

22 To the best of my knowledge this has  
23 always been the practice, and is still the practice,  
24 or procedure now.

25 Q. Now, what about the ship under the  
26 charge of a Montreal harbour pilot? Is the procedure  
27 any different?

28 A. There have been some changes in  
29 procedure with the harbour pilots, which took place  
30 in some cases before I became Regional Superintendent,







english 1 and which have been the matter of dispute, or disagree-  
2 ment.

3 I understand that originally the  
4 harbour pilots, whenever taking a ship into the Seaway,  
5 be it from anchorage or from a berth in the harbour,  
6 would, as in the case of the river pilots, pilot the  
7 ship into the lock if the lock gates were open, and  
8 of course it is their turn to go in.

9 I understand that originally when the  
10 lock gates were closed the harbour pilots would pilot  
11 the ship to a tie-up wall and then be relieved by the  
12 seaway pilot. I think it was in April last year --  
13 if you will permit me a moment I will look up records.

14 Q. Yes, please?

15 A. I am sorry about the delay. On April  
16 27th of last year, 1962 -- this is from records -- a  
17 letter was received by the District Supervisor of  
18 Pilots in Montreal ---

19 Q. From whom?

20 A. It was signed by the Superintendent  
21 of Pilotage and was dated April 27th, 1962. As I  
22 said, this letter was addressed to the District  
23 Supervisor of Pilots, Montreal.

24  
25 -

26  
27 -

28  
29  
30 -





English 1

It reads:

"Having in mind the dispute about the checking of pilots at St. Lambert lock and the two meetings held in Montreal between the two groups concerned, we regret to see that a mutually satisfactory arrangement cannot be agreed upon."

The letter continues:

"After full consideration of this problem, it is ruled now that the checking of pilots to take place in the St. Lambert lock itself where the Montreal harbour pilot will be replaced by the Cornwall District pilot, or vice versa."

And the final paragraph reads:

"You are to implement this ruling upon reception of this letter and inform the two corporations accordingly."

Q. Yes. And is the changeover done in the manner outlined in the letter which you have just read?

A. No, there have been changes again since then. This procedure continued during the navigation season last year and has been the subject -- this is, of course, hearsay in so far as I am concerned -- has been the subject of communications, so I understand, between the two corporations concerned and the







English 1 authorities in Ottawa; but I was not present and have  
2 no personal knowledge.

3 Q. And did you receive a copy of any letter  
4 which might have been exchanged between the corporations  
5 and your department in Ottawa?

6 A. I did receive some copies addressed to  
7 Ottawa, written by the corporation, yes; but this is  
8 fairly recently.

9 THE CHAIRMAN: We are having some  
10 trouble with the translation so we will adjourn for a  
11 few minutes.

12 ---Short recess.

13  
14 BY MR. JACQUES:

15 Q. Mr. Catinus, we were discussing the  
16 changeover of pilots at St. Lambert lock. You had read  
17 a letter from the Superintendent of Pilotage in Ottawa  
18 giving you certain instructions and you had said that  
19 those instruction were changed. Are you aware of the  
20 negotiations which led to the changes?

21 A. Only from hearsay. The next knowledge  
22 I have is a telegram received by myself from the  
23 President of the St. Lawrence Seaway Pilots, which I  
24 will read.

25 Q. Yes, giving its date.

26 A. It is dated June 7th of this year. It  
27 is addressed to me and reads: it is in French.

28 Q. Read it in French, then.

29 A. It is in French:

30 "The directors received the telegram





English 1 of June 6th from the Minister of  
2 Transport. There is no question of  
3 refusing an order from the Pilotage  
4 Authority inasmuch as the Pilotage  
5 Authority will act according to the  
French 6 compromise which is indicated in the  
7 letter of May 9th of this year, signed  
8 by the Deputy Minister."

9 And the telegram is signed by the President of the  
10 Corporation of the Seaway Pilots.

English 11 Q. Now, what were the instructions, please?

12 A. The instructions were, whilst this  
13 matter was being investigated, the harbour pilots would  
14 take the ship into the lock in the event that the lock  
15 was open and ready for them, or they would remain on  
16 board. If the gates were shut into Station No. 1,  
17 at Station No. 1, which is the tie-up berth, immediately  
18 prior to entering the lock, the first ship would be  
19 taken over by the Seaway pilot and taken into the lock  
20 when the lock was ready.

21 Q. So if I understand you right, a ship  
22 leaving the Montreal harbour with a harbour pilot would  
23 be taken straight into the lock if the lock is open?

24 A. That is correct.

25 Q. But if the lock is not open, the ship  
26 would be tied up at the wall and remain in charge of the  
27 harbour pilot until it reaches Station No. 1?

28 A. Correct.

29 Q. Which is the station just next to the  
30 entrance to the lock? And there the seaway pilot would







English 1 A. That is correct.

2 Q. And the seaway pilot would ~~dis~~bark

3 there?

4 A. That is correct.

5 Q. Would you return now to Exhibit 493

6 and continue with the examination of the various com-

7 plaints made by the Seaway Authority?

8 A. I think we were dealing with the

9 "Naunberg", were we not?

10 Q. I think so, yes.

11 A. And there was a further remark in

12 Seaway Authority's report which I do not think I had yet

13 read. The report reads:

14 "The Cornwall pilot refused . . ."

15 No, I have read that, excuse me. I am mistaken. I

16 have read all the Seaway Authority's remarks. The

17 "Naunberg"-- and the reply we made was as follows:

18 "This ship was brought to the Seaway

19 approach wall by a river pilot and

20 should have been taken over there by

21 the seaway pilot. This arrangement

22 applies only to seaway and river pilots.

23 Harbour pilots, as a result of a ruling

24 from Ottawa, are required to take

25 their ships into the lock before being

26 relieved. This was a misunderstand-

27 ing on the part of the seaway pilot,

28 who should have checked on whether he

29 was relieving a river or harbour

30 pilot. Upon being advised, the





English 1 take over?

2 A. That is correct.

3 Q. Now, you mentioned a letter, signed by  
4 the Deputy Minister. Did you receive a copy of this  
5 letter?

6 A. No, I didn't -- not from Ottawa.

7 Q. Not from Ottawa?

8 A. No. But I am not quite sure whether  
9 I received a copy from other sources. I do not find it  
10 here.

11 Q. But anyway, you have seen that letter,  
12 have you not?

13 A. I believe so, yes. But I donot have  
14 the copy here.

15 Q. And the information which you have  
16 given us was contained in that letter?

17 A. That is correct.

18 Q. And are these instructions now in force  
19 and followed?

20 A. Yes, they are.

21 Q. Now, this concerns upbound ships. Now,  
22 as regards downbound ships, would you state what the  
23 regulations are for changeover at the St. Lambert lock?

24 A. They change at St. Lambert lock.

25 Q. A change in the lock?

26 A. In the lock.

27 Q. In all cases?

28 A. In all cases.

29 Q. So either a river pilot or the harbour  
30 pilot would board a ship in the lock?







English 1

Montreal office took immediate

2

action to rectify the situation."

3

Q. Now, is this arrangement working

4

satisfactorily now?

5

A. The report deals with the old arrange-

6

ment.

7

Q. But the new arrangement?

8

A. There is a certain amount of uncertainty.

9

I haven't had a ruling on this. The present arrange-

10

ment intended to be or, at least, was read to be the

11

ship in Station No. 1 would be taken by the seaway

12

pilot. Now, it can happen that in this tie-up berth

13

there could be two smaller ships and the seaway pilot

14

will take, in that case, only the first of these two

15

ships -- or, so it is my present understanding -- and

16

instead of it I would have supposed a lockage. How-

17

ever, since the word "lockage" is not mentioned and

18

since it is the first ship in the first station, they

19

are performing their duties in accordance with the

20

arrangements. But, it does leave an anomaly, where

21

two small ships are tied up in this Station No.1, that

22

only one of these two ships will be taken in by the

23

seaway pilot.

24

Q. And the second of the small ships?

25

A. Would be taken in by the harbour

26

pilot.

27

Q. By the harbour pilot? Now, since

28

this arrangement has been in force, have you received

29

any complaints from pilots in respect to it?

30

A. This question has been raised, and,





nglish 1 at the moment it is working, to the best of my knowledge.  
2 It has been raised about the first ship only being taken  
3 in. I would have to verify that. I have already  
4 reported this matter on the telephone but I haven't  
5 received any ruling on this matter.

6 Q. Have you received any complaints from  
7 shipowners in respect of this matter?

8 A. I didn't hear you.

9 Q. Have you received any complaints from  
10 shipowners in respect to this procedure?

11 A. No, I have had no communication from  
12 shipowners in any shape or form.

13 Q. Did you receive any representations or  
14 complaints from the Seaway Authority in respect of  
15 this matter of procedure?

16 A. The relief procedure?

17 Q. Yes.

18 A. No, I have not.

19 Q. You have not?

20 A. No.

21 Q. Coming back to the case of two small  
22 ships, what would be the effect of this procedure on  
23 pilotage dues for the harbour pilots?

24 A. According to the bylaws, the harbour  
25 pilot when he is delayed -- I am speaking from memory  
26 -- for over one hour, would get the detention charges  
27 of \$3 an hour. The seaway pilot, on the other hand,  
28 if he is held up or waiting for over two hours in the  
29 lock, say -- I am speaking from memory -- would get \$5  
30 an hour after two hours. Now, the actual effect,







nglish 1 financially, I suppose would not -- there would be no  
2 effect because both ships would lock together; but one  
3 would be with the seaway pilot and the second one would  
4 be with the harbour pilot.

5 Q. Does the Montreal harbour pilot receive  
6 special remuneration for taking a ship into the lock?

7 A. No -- just they get the detention  
8 charges, anywhere -- not just for the lock.

9 Q. But they do not receive any special  
10 remuneration if they take a ship into the lock?

11 A. No.

12 Q. It is just a movage -- that is all it  
13 is.

14 A. That is correct.

15 Q. Would you go to the next one, please?

16 A. The seaway pilots do, of course.

17 Q. Would you say that into the microphone?

18 A. The seaway pilots do for going into the  
19 Seaway.

20 Q. For taking a ship into the St.Lambert  
21 lock?

22 A. It is in their bylaws, yes.

23 Q. What about if they board in the lock;  
24 do they receive this remuneration if they board the ship  
25 when she is in the lock? Do they receive this special  
26 remuneration for locking?

27 A. I would have to check that but I recall  
28 reading of taking a ship into the Seaway. I would have  
29 to look it up to find out.

30 Q. Thank you. Yes?





English 1

A. The next item is dated July 31st.

2 The ship is the "Francisca Sartori":

3 "Downbound, St. Lambert -- no pilot.

4 Notified the Pilot Office and des-

5 patcher and held vessel in lock till

6 pilot arrived."

7 The pilot is named. The delay was 25 minutes.

8 The reply, on the subject, the

9 "Francisca Sartori", reads:

10 "Our records show this ship as

11 having passed through St. Lambert

12 lock on July 28th, instead of

13 July 30th. No order was received

14 for this ship until 0840, when the

15 ship was already in the lock. The

16 pilot living nearby was immediately

17 despatched in order to reduce the

18 delay. This emphasizes the need

19 for accurate ETA's -- that is to

20 say, estimated time of arrivals"--

21 and the further note: "See paragraph

22 5 of this report."

23 The next entry is dated August 9th, 1962, and the

24 ship is the "Captain Theo":

25 "Downbound, St. Lambert lock."

26 The report continues:

27 "When at Beauharnois the master

28 of "Captain Theo" requested a

29 river pilot when he really needed

30 a harbour pilot. A river pilot" --







English 1 and here the pilot is named --

2 " went aboard the vessel in St.  
3 Lambert lock and as the vessel was  
4 ready to leave the lock the master  
5 found that he had requested the  
6 wrong kind of pilot."

7 The remarks on this report read:

8 "This delay is explained in the  
9 Seaway Authority's own report. The  
10 master had ordered a river pilot  
11 instead of a harbour pilot. This  
12 was corrected as quickly as possible  
13 when discovered."

14 Q. Does that happen very often that  
15 masters or agents make mistakes in ordering a pilot?

16 A. It happens, but in proportion to the  
17 number of ships, I shouldn't say very often. I might  
18 add here that the system has been changed slightly this  
19 year.

20 Q. Yes. How?

21 A. Last year the system was as follows.  
22 For downbound ships in the seaway from Beauharnois,  
23 we would be told the name of the ship and the time of  
24 its passage and the words "river" or "harbour" pilot  
25 added to the message by teletype received in Montreal.  
26 From Ste. Catherine lock, by direct line, we were  
27 then told the time of entering the lock or being in  
28 the lock. This would enable us to do two things:  
29 the time of passage through Beauharnois would give  
30 us the sufficient interval we require to detail or





English 1 assign a Class "A" pilot, should one be required. There  
2 are less Class "A" pilots than the others. And the  
3 second point is that the Ste. Catherine lock call would  
4 enable us to estimate more accurately the time of  
5 arrival in the lock.

6 However, it was found by experience  
7 that some ships downbound last year giving their desti-  
8 nation as a river might, in fact, be going to Longue  
9 Pointe, which would be a ~~harbour~~ pilot and, so, this  
10 year instead of this system the words "river" and  
11 "harbour" pilot have been eliminated from the Beauharnois  
12 report and, in substitution, the destination of the  
13 ship has been given from Beauharnois. And we still  
14 receive the time as passing or entering Ste. Catherine's.  
15 As I explained the other day, we hope to be able to  
16 substitute radio communication for this system, in  
17 the near future.

18 Q. Yes. Would you pass on to the next  
19 page?

20 A. The next page is dated August 11th,  
21 1962. The ship is the "St. Merriel":

22 "Downbound, requested a river  
23 pilot instead of a harbour pilot  
24 to go at section 45."

25 The name of the river pilot is given, as is the name  
26 of the harbour pilot. The delay was 17 minutes. The  
27 remarks are brief and read:

28 "As in the case of the 'Captain  
29 Theo' the wrong class of pilot was  
30 ordered."







English 1

Q. The next page?

2

A. I might point out that the wrong class of pilot was not ordered by the Despatching Office but in the orders we received.

5

The next date is September 4th, 1962.

6

The ship is the "Lio":

7

"Upbound, Ste. Lambert lock (no

8

Cornwall pilot). The "Lio" was

9

sent to moor at the end of the

10

upper approach wall. The river

11

pilot --"

12

and here he is named --

13

"-- said that he had called for a

14

Cornwall pilot at 6.05 p.m. at

15

the Harbour Master's. The pilot

16

office said they had no call from

17

the Harbour Master. The Cornwall

18

pilot --"

19

and here again the name is given --

20

"-- the Cornwall pilot arrived at

21

9.35 p.m. (No delay to other

22

vessels). The total delay for

23

this ship, 33 minutes.

24

"The Lio: this incident was

25

investigated and our records show that

26

the harbour pilot's call was not re-

27

ceived until 2110" --

28

That is 9.10 p.m. --

29

"-- or some three hours after the

30

river pilot said he made his call,





English 1

and it must be assumed that the  
Harbour Master's office forgot to  
relay the message."

Q. You didn't investigate this case any  
further?

A. We didn't, no. The next case is  
dated September 5th, 1962, the "John E. F. Meisener":  
"Downbound, no pilot."

The delay was eighteen minutes. The "John E. F.  
Meisener's" remarks read:

"This ship was in St. Lambert lock  
before the call was received for a  
pilot, in this case again a Class  
'A', and points out . . . accurate  
information in order to ensure  
efficient despatching."

I might point out that these ships go downbound without  
pilots to St. Lambert locks.

Q. How did you ascertain that the vessel  
was in the locks at the time the call was made?

A. This was investigated in the office and  
we have -- we know the time we received the calls and  
we know when we get that from the Seaway which was  
transmitted the time that she would be in the lock,  
from records.

The next date is September 29th, 1962,  
the "U.S.S. Lawrence DDG4":

"Downbound. Ordered a river  
pilot instead of a harbour pilot."

A delay of twenty-four minutes. The remarks, as stated







English

1 in the Seaway Authority's report reads:

2 "The wrong class of pilot had been  
3 ordered. That is a river pilot  
4 instead of a harbour pilot."

5 Q. This problem seemed to arise frequently?

6 A. Not this year. As I explained, we  
7 have the destination instead of the river and harbour  
8 pilot requirement.

9 The next one is dated October 2nd,  
10 1962, and the ship is the "Carima":

11 "Downbound, St. Lambert lock. No  
12 harbour pilot."

13 The delay, thirty minutes. The report reads:

14 "The pilot was not despatched  
15 immediately because of fog con-  
16 ditions but should have been."  
17  
18 -  
19  
20  
21  
22 -  
23  
24  
25  
26 -  
27  
28  
29 -  
30





English 1 Q. What do you mean "was not despatched  
2 immediately because of fog conditions"? What has the  
3 fog got to do with despatching?

4 A. There is a note here by the District  
5 Supervisor:

6 "The Lock Master was to advise  
7 when fog was lifted."

8 Presumably the ship in this case, I have no personal  
9 knowledge, would have been delayed by fog in any case,  
10 so there is a note in the District Supervisor's hand-  
11 writing: "Lock Master was to advise when fog lifted,  
12 but failed to do so in time." So, in answer to the  
13 question, the pilot should have been despatched  
14 immediately, but even had he been the likelihood is,  
15 had the fog conditions been such as to render her move-  
16 ment unsafe, she would have been delayed in any case.

17 The next date October 11th, 1962.

18 There are four ships mentioned. The "Muneshima Maru",  
19 downbound (in the lock ),delayed 31 minutes.

20 The next ship is the "Redwood". She  
21 was upbound, although the words read up, delayed 31  
22 minutes.

23 The next was the "Fossheim", in  
24 brackets, at the lower approach wall, up, that is to say  
25 upbound, delayed 31 minutes, and the fourth ship was the  
26 "Patignies", in brackets, at the upper approach wall,  
27 downbound, the delay 12 minutes.

28 The remarks continue no harbour pilot  
29 for the "Muneshima Maru", and the remarks continue.  
30 I checked with Pilots Office and was told that no pilot







English 1 had been ordered, but that they would send one right  
2 away. I reported this to the Despatcher, and was told  
3 that one had been ordered from Beauharnois in the  
4 afternoon at 2.15 p.m. A name was mentioned then.  
5 A harbour pilot was sent to take her to the harbour.

6 With regard to these ships, four ships  
7 mentioned, no information, the report reads:

8 "No information was received from  
9 Cote Ste. Catherines, although  
10 this is at present unofficial, and  
11 in consequence the despatcher was  
12 unable to estimate correctly the  
13 ship's time of arrival in St.  
14 Lambert lock. Three other ships  
15 suffered delays as a consequence."

16 Q. Do you have as a procedure when you  
17 don't receive adequate information to call the ship  
18 or the lock to find out whatever information is  
19 necessary?

20 A. As I explained the other day, we  
21 didn't have any means, no physical means, of calling  
22 ships in those days, nor indeed until quite recently.

23 We would, or rather the despatchers  
24 would, if they had no information, in all probability  
25 call to ask, but I can't say that it is not impossible  
26 that they might overlook this matter, and fail to call,  
27 since the call must be intended to be to and not from  
28 the office, and they may have many calls, and much work  
29 to do between the time of the ship being reported by  
30 Beauharnois and the time that they would normally expect





English 1 to hear of her again at Ste. Catherines. So they  
2 would not necessarily make a notation to the effect that  
3 they were expecting a call at a certain time. So one  
4 would say that there is no reason to suppose that as a  
5 matter of course they would phone up Ste. Catherines  
6 for information, because they would normally expect  
7 to receive it.

8 Q. Thank you. Would you examine the  
9 next case?

10 A. The next case deals with five ships,  
11 on October 9th, 1962, each ship suffering a delay of  
12 36 minutes, whether simultaneously or not I do not  
13 know.

14 The first ship was the "John A. Francis",  
15 downbound in the lock. The next ship is the "Saskadoc",  
16 upbound, 36 minutes. The next ship is the "Redwood".  
17 I mentioned that in the previous report. This is  
18 seven days later. The "Redwood" upbound, 36 minutes.  
19 The fourth ship is the "James A. Norris", (lower  
20 approach wall, upbound). The fifth ship was the  
21 "Ontadoc", (at upper approach wall, downbound), 36  
22 minutes delay.

23 The remarks in Seaway Report read:

24 "No harbour pilot for 'John A.  
25 Francis' downbound."

26 That was the ship in the lock. It continues:

27 "I checked with the Pilots  
28 Office, and was told that a pilot  
29 had been ordered at 10.00 p.m. on  
30 18/10/62, that is, 18th October, 1962."







English 1 It mentions the name.  
2 "I reported this to the Despatcher.  
3 The pilot . . ."  
4 Again it mentions the name.  
5 ". . . The pilot arrived at 1.33  
6 a.m. on 19/10/62."  
7 The name is again mentioned, stating that the person  
8 named is a river pilot. I may point out that the de-  
9 lays to the other ships were because the "John A. Francis"  
10 was in the lock. The remarks continue:  
11 "This ship required a harbour pilot.  
12 Unfortunately, the only harbour pilot  
13 available was . . ."  
14 And then it mentions the name.  
15 " . . . whose telephone was out of  
16 order. This was ascertained by my  
17 office to be correct."  
18 Finally, and I don't know why this is out of date, the  
19 last one was October 19th, and this is October 15th,  
20 1962, according to the Seaway Report the "Theodora"  
21 downbound, the delay one hour and twelve minutes. The  
22 reason given "No pilot". The remarks continue further:  
23 "I called the Pilots Office and was  
24 told that no pilot had been ordered.  
25 I then called the Despatcher at  
26 Beauharnois and was told by him that  
27 one had been ordered at 12.30 a.m.,  
28 15/10/62, that is, the 15th October,  
29 1962. The Pilots Office said they  
30 would send one immediately."





English 1 It then mentions the name of a river pilot, and the  
2 remarks on this case of the "Theodora" read:

3 "We have no record of receiving any  
4 order from Beauharnois lock as stated  
5 in the Seaway Authority's Report."

6 Q. Now, sir,---

7 A. I don't know who the "I" refers to in  
8 the Seaway Report. It is not signed, but in my report  
9 it is signed by myself.

10 THE CHAIRMAN: Could we know what kind  
11 of communications there are between Beauharnois and  
12 the Seaway?

13 MR. JACQUES: I was about to ask that,  
14 my lord.

15 Q. How does the despatcher get in touch  
16 with your office to request pilots? Is this done by  
17 phone, by teletype, by mail, by telegraph?

18 A. We get many requests ---

19 Q. Whenever a ship is in the Seaway and  
20 he requests a pilot, how does one get in touch with you?

21 A. The first thing, with a downbound ship  
22 would be getting a pilot from the Cornwall office, of  
23 course. Do you mean pilots from Montreal?

24 Q. Yes, from Montreal?

25 A. We get the information at the time of  
26 the passage through Beauharnois Lock by teletype, and  
27 on this message, with the ship's name, is also given the  
28 ship's immediate destination, not its ultimate destina-  
29 tion.

30 Q. Last year did you receive this







English 1 information by teletype?

2 A. Yes, but as I explained, last year the  
3 ship's name was given, but instead of her destination  
4 from Beauharnois we received the words "river" or  
5 "harbour pilot", which proved to be unsatisfactory.  
6 This year we have the ship's name being given and his  
7 destination.

8 Now, we know from experience the class  
9 of pilot which will be required. That is to say whether  
10 a river or harbour pilot will be indicated by the desti-  
11 nation given, and the class of pilot required will then  
12 be known by the tonnage of the ship, which information  
13 we will have in our office. It does happen occasional-  
14 ly, however, that the destination may be changed, and  
15 that could cause us some difficulty.

16 Q. I realize that. In the case of the  
17 "Theodora" it is stated in the Seaway Report that a  
18 pilot was ordered at 12.30 a.m. on the 15th October,  
19 1962. Would this order have been done through  
20 teletype?

21 A. As I explained -- let's see, now.  
22 No orders are given for pilots as such by the Seaway  
23 Authority. They don't actually concern themselves  
24 with pilotage. What happens is that, to be tech-  
25 nically correct, ethically correct, and factually  
26 correct, the order is placed by the master of the ship,  
27 and originates in fact with him on the pilot's advice,  
28 and in this case, as I say, this year the master will  
29 indicate his destination, and the fact that he indicates  
30 his destination automatically means that he needs a





English 1 pilot anyway.

2 Q. But to come back to the case of the  
3 "Theodora". If he requested a pilot at 12.30 a.m.,  
4 would he have done so by teletype, land telephone or  
5 radio telephone, or any other means?

6 A. As I say, I don't know who the "I" is  
7 in this report, and the communication between Beauhar-  
8 nois and our office is by teletype.

9 Q. So there should be a trace of this  
10 message sent at 12.30 by teletype?

11 A. That is the point. According to our  
12 records there is no such trace, so therefore we didn't  
13 get the order, so that if an order had in fact been  
14 given as stated in this report by teletype, we cer-  
15 tainly would have seen it. We keep these records.  
16 These rolls of teletype are changed every day, and  
17 kept.

18 Q. How long do you keep them?

19 A. I am not sure, but we keep them quite  
20 a long time. The signal clerk could tell you exactly  
21 how long, but we have great stocks of them.

22 Q. Would you have the rolls for the  
23 15th of October last year?

24 A. I can't swear to it, but I think so.

25 THE CHAIRMAN: Could it be possible  
26 that the teletype was closed for some time?

27 THE WITNESS: It could be, but when  
28 the teletype is broken down we have records, and record  
29 it in the log, and we don't have any record of a break-  
30 down in our office on that date.









English 1

THE CHAIRMAN: In a case of dispute  
like this one, it would be easy to compare the teletype  
roll from one station and the teletype record at the  
other station?

THE WITNESS: My lord, if they keep  
their records in the originating office it would be  
easy to compare, because we keep a record of what we  
receive. I don't know how long, but I am reasonably  
sure that we would have a record of that particular day.

Q. Would you see if you have the record of  
that date, 15th October, 1962, the name of the ship  
"Theodora", downbound, and a pilot was supposed to  
have been ordered at 12.30 a.m.?

THE CHAIRMAN: Where there are con-  
flicting reports like that, is there anybody making  
inquiries to find out, or looking at those records,  
or is it left just there in abeyance?

THE WITNESS: With teletype messages,  
I would say -- this report, of course, was not received  
at the time of the incident, and let me explain that  
had a complaint been made at that time it would be  
easier, but since this information in this case should  
have come by teletype, it is obvious that if we have  
no records on that date there was nothing sent off.  
If we had a record of it it would have been shown in  
the originating office.

Now, when we found nothing in our  
office, we had every reason to suppose that nothing had  
been sent, but the report came long after the event,  
my lord.





English 1

Q. In any event, you will check?

2

A. I will.

3

Q. Now, sir, I show you what purports to

4

be an excerpt from a teletype. Would you tell me

5

whether this originates from your office or not?

6

A. This is a copy of a teletype we re-

7

ceived, and I see the identification of the time and date

8

is given, the system that started this year. It was

9

dated the 5th of this month, and the time was 0412.

10

Now, all these stations have their, shall I call them

11

call signs?

12

Q. Yes, call signs?

13

A. Now, I would, I couldn't state this

14

on oath, because I would have to look at the instrument,

15

the call signs, the signal clerks can tell you, but I

16

believe this is from Beauharnois, but I submit that the

17

signal clerk could be questioned on this, and this is

18

a case where two ships, and their destinations were

19

confused with one another.

20

Q. Now, sir, to move to a completely

21

different subject, would you explain to the Commission

22

how the class of licence works here in Montreal for

23

pilots?

24

A. Do you mean the Class "A"?

25

Q. Class "A", "B", "C", and I believe

26

you have "C-1", "C-2", "C-3"?

27

THE CHAIRMAN: You say here in Montreal.

28

What do you mean? Montreal Harbour, or what?

29

Q. Montreal District?

30

A. The Class "A", "B", "C" are for the









English 1 Montreal River. I could read the actual bylaw, or  
2 tell you briefly.

3 Q. So this distinction is contained in  
4 the Montreal bylaws?

5 A. That is correct.

6 Q. Would you have any personal knowledge,  
7 or knowledge gained from your files, of how it originated?

8 A. No, I have no knowledge, either of my  
9 own or from files. I have heard it said that it is an  
10 aftermath, but I have no personal knowledge of it, of  
11 the old system of so-called special pilots, but I have  
12 no personal knowledge or record of it.

13 Q. Would you tell us in practice how it  
14 works?

15 A. I will give it in generalities, then,  
16 rather than the bylaws?

17 Q. Yes?

18 A. When the apprentice is examined, when  
19 there is a vacancy for a pilot, and has been successful  
20 in his examinations in every phase, he is subsequently  
21 granted a licence by the Pilotage Authority. The  
22 first year would be restricted to 2,000 tons; the next  
23 year, subject to his performing his duties satisfactori-  
24 ly, to "C-2" to 3,000 tons. The third year to "C-3",  
25 4,000 tons. Then after three years, he goes to  
26 Class "B" pilot, restricted to 7,000 tons. Then,  
27 after, he would remain a "B" pilot unless there was a  
28 demand, or requirement for "A" pilots, whose tonnage  
29 is unlimited.

30 These are all incorporated in the





English 1 bylaws of Montreal District.

2 Q. When you refer to tons ---

3 A. Net tonnage.

4 Q. The bylaw, as regards promotion to  
5 Grade "A" reads as follows -- I read from Section 23,  
6 subsection (2), paragraph B:

7 "Every apprentice shall, on admission  
8 into the pilotage service as a river  
9 pilot, be classified as a Grade "C"  
10 river pilot."

11 (3) "The Authority may classify a river  
12 pilot as a Grade "A" river pilot after  
13 he has served satisfactorily such  
14 period as a Grade "B" river pilot  
15 as the Authority deems necessary."

16 Now, what is the period of time deemed necessary?

17 A. To my knowledge there is no period of  
18 time. It depends on the requirements. We have a  
19 certain number of Class "A" pilots, and then if for  
20 any reason the number be changed or a vacancy occur  
21 in the Class "A" group, then the senior one in the  
22 Class "B" group is invited, but he does not necessarily  
23 accept the reclassification. Some prefer to remain  
24 Class "B" pilots. On the other hand, of course, when  
25 they reach a certain age a Class "A" pilot is automati-  
26 cally reverted to Class "B".

27 Q. When he reaches what age?

28 A. I would have to look it up, but I think  
29 it is sixty-five, but I am not sure.

30 Q. I refer you to Section 23, paragraph 4?







English 1 A. Yes.

2 Q. So, when he reaches the age of sixty-

3 five he is classed as a Class "B" pilot?

4 A. That is correct.

5 Q. How many Class "A" pilots have you got

6 in Montreal?

7 A. I am not absolutely sure of this. I

8 think it is eighteen in both sections. I would have

9 to look it up.

10 Q. Would you look it up, please?

11 A. I am assured that that is correct,

12 eighteen in each.

13 Q. Eighteen in each section of the river,

14 district?

15 A. Correct.

16 THE CHAIRMAN: That would mean thirty-

17 six?

18 THE WITNESS: Yes, my lord.

19 MR. JACQUES: All told, my lord.

20 Q. Have you in your file any information

21 as regards the number of these Class "A" pilots? Why

22 eighteen? Why not twenty? Why not sixteen?

23 A. I don't have that information, no.

24 Q. Would Mr. Melanson have it?

25 A. I would submit he can answer that

26 question more accurately than I can. I am not able to.

27 Q. Are there any limitations, or classes

28 of licence, as regards the harbour pilots?

29 A. No.

30 Q. None at all?





English 1

A. No.

2

Q. Their licences are issued for an

3

unlimited period of time and for unlimited tonnage?

4

A. No, I would have to check it. I

5

believe they have a certificate for one year, and there

6

is no tonnage mentioned.

7

Q. No tonnage limitation mentioned?

8

A. No.

9

Q. Would you describe the apprenticeship

10

system for the river pilots?

11

A. The apprenticeship system for the river

12

pilots is laid down in the bylaws, and consists at the

13

present moment -- the requirements are also laid down

14

in the bylaws, among other things. A Canadian

15

citizen, resident in Canada, not less than sixteen, not

16

over thirty. They have to do two years in the Marine

17

School at Rimouski or any other approved school, and

18

subject to the satisfactory completion of those two

19

years, supported by diploma to prove it, which would

20

indicate that they had been successful, when required

21

they are called upon as there are vacancies.

22

These aren't yet apprentices, of course.

23

They are then examined as laid down in the bylaws,

24

medically and so forth. Then they do a three-year

25

apprenticeship.

26

Q. Just a minute now. I don't think I

27

have followed you quite that far.

28

So there are two stages before one

29

becomes a pilot. There is a first stage, where he

30

has to provide himself with certain qualifications, as







English 1 specified in Section 26 of your bylaw?

2 A. Sections 26 and 27.

3 Q. And this is before becoming an appren-

4 tice?

5 A. That is correct.

6 Q. These are the qualifications required

7 to become an apprentice, and you mentioned the Rimouski

8 School.

9 Would you tell the Commission what sort

10 of school it is?

11 A. It is a school which teaches navigation,

12 engineering, and radio-telecommunications. I have

13 visited it once, and I think it is a very good school.

14 Q. Is that taken as the equivalent of

15 Grade XI?

16 A. Yes, as I mentioned, the full details

17 I could read them out if you wish, in 26 and 27.

18 Q. No, you need not read them in detail.

19 A. But that is one of the requirements, yes.

20 Q. And the diploma from the Rimouski School

21 is accepted as the equivalent of Grade XI?

22 A. That is correct. The next stage, as I

23 explained, is that when apprentice pilots are required

24 from this list, the Authority has explained in Article

25 28, they issue a licence of apprenticeship to an

26 applicant, and it gives the details then.

27 Q. I think the Commission has been misled

28 slightly. The Grade XI formal education comes before

29 he attends the Rimouski School?

30 A. Yes, that is correct. I am afraid I





English 1 didn't make that clear.

2 Q. And it is called the Merchant Marine  
3 Institute of the Province of Quebec; is that it?

4 A. That is correct. It is in Article 27.

5 Q. Do you know of any other marine school  
6 approved by the Authority to which applicants could go?

7 A. I know of other marine schools. I  
8 believe they are approved, but I don't know of any  
9 marine school in the Province of Quebec and of my own  
10 personal knowledge in Canada, but that is only of my  
11 own personal knowledge, of course.

12 Q. Now, after one has fulfilled the qualifi-  
13 cations and requirements of Sections 26 and 27, how does  
14 one become an apprentice?

15 A. The number of apprentices is decided  
16 between the Pilots Committee and the Authority, and it  
17 is usually twenty-five in the Montreal District, so that  
18 when we have vacancies, which may be caused for various  
19 reasons such as promotions to pilots -- the entry as  
20 apprentice is laid down in Article 28.

21 Q. So that after one has fulfilled the  
22 requirements of Sections 26 and 27 ---

23 A. And 28.

24 Q. Not quite 28 yet. His name is placed  
25 on a waiting list?

26 A. Well, as it says, the Board will deter-  
27 mine the eligibility of the applicants and after having  
28 ascertained that he is eligible for admission as an  
29 apprentice if in the opinion of the Authority an  
30 apprentice is required, he is admitted to the service.







English 1 He has to pass a medical examination as to his mental  
2 and physical fitness, and the examination must be con-  
3 ducted by a medical officer approved by the Authority.

4 Q. Yes, but to come back to the waiting  
5 list. This waiting list is prepared by the Board of  
6 Examiners?

7 A. That is correct, yes.

8 Q. Are the applicants' names inserted on  
9 this waiting list in order of date of examination?

10 A. We have List 1, 2, 3, and there are  
11 some transitional provisions laid down in Sections 38,  
12 39 and 40, and these lists are revised and brought up to  
13 date every year.

14 Among other things, would-be apprentices  
15 have to report their desire to remain on the list by the  
16 31st of January of each year, and if they do not do so,  
17 those who want to become apprentices, however qualified  
18 they may be, if they don't do so on the 31st of January  
19 it is assumed that they are no longer interested, and  
20 their name is struck off the list by the Board of  
21 Examiners.

22 Q. Do you place the names on the list in  
23 order of time, as they pass the examination, or based  
24 on the results of the examinations?

25 A. The lists are made out in the order as  
26 laid down, as I mentioned, in the transitional provisions  
27 of Articles 38, 39 and 40.

28 Q. Yes, and briefly what is it?

29 A. Well, in the first case, briefly  
30 Article 38 is for those who wish to become apprentices





English 1 who have only had one year school at Rimouski. They are  
2 on List 1. List 2 is those who have had two years of  
3 school at Rimouski instead of one, and twelve months on  
4 deck of a ship, but no certificate. List No. 3 is those  
5 who have one year in school.

6 Q. And was under thirty years of age?

7 A. Of course.

8 THE CHAIRMAN: I would like to know  
9 first whether this requirement for the school in  
10 Rimouski is only for the Montreal river pilots, or does  
11 it apply also for other groups of pilots?

12 THE WITNESS: The Quebec District, my  
13 lord.

14 THE CHAIRMAN: So it is for both?

15 THE WITNESS: Yes, it doesn't apply  
16 to any other district except Montreal and Quebec.

17 THE CHAIRMAN: I would like to know  
18 whether the candidates, when they enter Rimouski, are  
19 earmarked for one district?

20 THE WITNESS: I don't think so, no.

21 THE CHAIRMAN: So they are eligible  
22 to go into either district?

23 THE WITNESS: From the bylaws I would  
24 say they are eligible, but I have no certainty of this,  
25 but I am sure they are not earmarked for a District.  
26 In fact, I know, I just recall some wouldbe apprentices  
27 have their names down for both Districts.

28 THE CHAIRMAN: If they put their names  
29 down for one District they are earmarked to a certain  
30 extent?







English 1 THE WITNESS: They do it simultaneously,  
2 both districts in the same name.  
3 Q. So you would get three lists from which  
4 to choose apprentices?  
5 A. Then there is this final list in Article  
6 41.  
7 Q. There is what list?  
8 A. The final list in 41 and their qualifi-  
9 cations and the slight differences are indicated there.  
10 Q. Yes. This list is for admission to  
11 apprenticeship before 15th April, 1961?  
12 A. Yes. They are all the same.  
13 Q. This list, how do you place the names --  
14 by date of application?  
15 A. By date of application, unless their  
16 qualifications change over the course of years and they  
17 may change from one list to another. Then that is  
18 investigated or verified every year.  
19 Q. And when they change lists, do they go  
20 at the bottom of the list to which they change?  
21 A. Yes, because they would have the same  
22 qualifications -- all of them in the same list.  
23 THE CHAIRMAN: Before you go any fur-  
24 ther, I think we will stop for a few minutes.  
25  
26 ---Short recess.  
27 Q. Before we resume discussing apprentice-  
28 ship, I believe that an inquiry is actually taking place  
29 on this matter of changeover at St. Lambert Lock; is  
30 that correct?





English 1 A. Yes, that is correct.

2 Q. Would you, if you know it, briefly tell  
3 the Commission how this inquiry came about and who acts  
4 on this inquiry?

5 A. The inquiry, as I understand, was insti-  
6 tuted in Ottawa. I wasn't present, but the whole ques-  
7 tion of the St. Lambert Lock relieving should be investi-  
8 gated and it is being investigated by, I think, Campbell  
9 and Company. They have worked for us once or twice.  
10 We are keeping records such as they require us to do and  
11 their offices are making and keeping records. The scope  
12 and nature of it, I am not in a position to give you very  
13 much information about at the moment, but I understand  
14 that they will be studying the problem for about a month,  
15 so they tell me.

16 Q. For about a month?

17 A. That is correct.

18 Q. And when do you expect to receive their  
19 report?

20 A. I have no information on that. I know  
21 I was asking them how long their investigations and  
22 inquiry would take and one of their representatives  
23 informed me that he thought their survey, their inquiry,  
24 their investigation, would take about a month; but when  
25 the results would be received, I have no means of answer-  
26 ing that question.

27 Q. Thank you. Now, to come back to the  
28 apprenticeship system, you have said there were several  
29 lists and the applicants were chosen in accordance with  
30 the Montreal bylaw, after having obtained certain







English 1 qualifications and I should like to make it clear in what  
2 order the names are placed on each particular list?

3 A. As I pointed out, I have a year in this  
4 and only relatively short experience, but the list would  
5 be made up -- each individual list -- by date and I  
6 presume -- and I believe I am correct in saying -- that  
7 it would be by date of seniority to be established.

8 THE CHAIRMAN: Who is keeping all this?

9 THE WITNESS: We keep lists and the  
10 Pilots Committee keep lists which they have in the  
11 Montreal Office and they are examined by the Board of  
12 Examiners and brought up to date each spring.

13 Q. And if a death occurs, the name will be  
14 struck off the list and you mentioned if the applicant  
15 did not make known his wish to remain on the list, his  
16 name will be struck also?

17 A. In accordance with 42, yes.

18 THE CHAIRMAN: Made known to whom?

19 MR. JACQUES: To the Pilotage Authority.

20 THE WITNESS: And they would then write  
21 and inform them that their names have been erased from  
22 the list.

23 Q. To the best of your knowledge, since you  
24 have been in office, have you had occasion to strike a  
25 name off the list for that reason?

26 A. Yes, indeed. I could have this looked  
27 up. I am speaking from memory. I believe there were  
28 about five, but I would have to check that out. There  
29 were some names erased from the list in the last spring.

30 Q. And in each case did you write to each





English 1 applicant?

2 A. I believe that the letters were written  
3 by the District Supervisor, in this case.

4 Q. Would you know whether an applicant has  
5 replied to this, requesting that his name be reinstated  
6 on the list?

7 A. As far as I know, we have had no such  
8 request.

9 Q. No such request?

10 A. No -- or reply.

11 Q. Are there any provisions in the bylaw to  
12 reinstate a name on the list after a failure to report?

13 A. No.

14 Q. Would you state to the Commission how  
15 the apprentices are chosen in practice?

16 A. We had five people on our list who be-  
17 came apprentices this year.

18 Q. And how did you proceed?

19 A. We examined the statement of pilots.  
20 We looked at their records, their school records. They  
21 were medically examined. They were given an oral  
22 examination.

23 Q. By whom?

24 A. By -- I gave them the oral examination,  
25 in the presence of the Board of Examiners, as laid down.

26 Q. Who are the members of this Board of  
27 Examiners?

28 A. The Board of Examiners consists of three  
29 pilots and a representative of the Department of Transport  
30 and myself, as chairman. It is laid down in the bylaws.







English 1 I would have to look it up.

2 Q. Does this body convene every time as a

3 board for the purposes of examining apprentices?

4 A. It convenes for the purpose of examining

5 apprentices. They have annual examinations for the

6 first three years and they also . . .

7 Q. Just a minute now. You are going a

8 little too fast. Does this Board keep any Minute of

9 these meetings?

10 A. Yes, I have some with me.

11 Q. Would you care to produce them, please?

12 A. If you will allow me a moment, I will

13 set them up.

14 Q. Yes, please.

15 A. There are a number of Minutes in this

16 file for several districts.

17 MR. JACQUES: My lord, I should like to

18 file one example of these Minutes as Exhibit No. 537.

19 Q. Could you remove this Minute from your

20 file, please?

21 MR. LANGLOIS: What is the description?

22 THE WITNESS: Might I point out, this

23 happens to be for the Quebec District. Would you pre-

24 fer to have another one?

25 MR. JACQUES: I would like to have one

26 for the Montreal District.

27 THE WITNESS: I will take another one,

28 then. One is for apprentice to pilot -- one of the

29 Minutes of the meeting, from apprentice to pilot, and

30 the other one annual examinations. There are two, if





English 1 you wish them.

2 MR. JACQUES: Thank you.

3 As Exhibit No. 537, in a bundle:

4 "Example of Minutes of Board of Examiners for the District  
5 of Montreal, on a Replacement Pilot to fill a vacancy  
6 and to increase to five the number of apprentice pilots"  
7 and also a "Minute of the Board of Examiners of the  
8 Montreal District, on Yearly Examination of Pilots."  
9 The first one is May 8th, 1962, and the second one is  
10 April 2nd, 1963.

11 THE WITNESS: Excuse me; it wasn't to  
12 increase the number of apprentices, but to take on appren-  
13 tices as a replacement for those who became pilots.

14 ---EXHIBIT NO. 537: Example of Minute of Board of  
15 Examiners for the District of  
16 Montreal, on a replacement pilot  
to fill a vacancy.

17 ---EXHIBIT NO. 538: Minute of the Board of Examiners  
18 of the Montreal District on  
19 Yearly Examination of Pilots.

20 Q. Are Minutes similar to this produced  
21 as No. 537 always kept each time the Board of Examiners  
22 convenes?

23 A. Yes, they are.

24 Q. And would you describe how the exams  
25 are carried out?

26 A. You mean the annual or for apprentice-  
27 ship?

28 Q. For appointment to apprentice pilot?

29 A. For appointment to apprentice pilot, once  
30 they have satisfied the requirements, as regards medical







English 1 examinations, eyesight, education and training, they  
2 are then given -- they were this year -- a brief oral  
3 examination, with the object of judging their knowledge  
4 of marine matters. They were also given a copy of  
5 a number of books which they would have to have with  
6 them throughout their lives, I could say. I have some  
7 copies with me. If you will just allow me, I will get  
8 them. These documents are handed to each new appren-  
9 tice and he signs for them and he is advised to get a  
10 copy of The Canada Shipping Act. We do not supply it.

11 MR. JACQUES: These documents, my lord,  
12 include the Quarantine Regulations, which have already  
13 been filed, the National Harbours Board Bylaw A-1  
14 Operating Regulations, and Amendments, The Raft and Barge  
15 Navigation Regulations, the St. Lawrence River Regulations,  
16 the Oil Pollution Prevention Regulations, the Regulations  
17 for Preventing Collisions at Sea, the Montreal Pilotage  
18 District General Bylaw, the Public Harbour Regulations  
19 and Amendments.

20 I should like to file these in a bundle  
21 as Exhibit No. 538, described as "Documents handed over  
22 to Apprentices."

23 THE WITNESS: Issued to new apprentices.

24 MR. JACQUES: Issued to new apprentices.

25  
26 ---EXHIBIT NO. 538: Documents handed over to new  
apprentices.

27  
28 Q. Yes. You said that you had an oral  
29 examination of the applicants; is that correct?

30 A. That is correct.





English

1 Q. Would you recall in further detail the  
2 subject matter of the last oral examination, the par-  
3 ticular subjects covered?

4 A. The object of this oral examination was  
5 to elucidate, to a certain degree, their marine know-  
6 ledge, if any, and if they had any understanding of  
7 marine matters, to see whether their outlook was such as  
8 would indicate they had an interest in pilotage and  
9 becoming an apprentice.

10 Q. Did you examine them on rules of the  
11 road?

12 A. No. This was merely a preliminary  
13 examination. They wouldn't be properly examined until  
14 the end of their first year.

15 Q. Did you in that first examination  
16 examine them on the buoyage system?

17 A. I asked them some questions on buoys,  
18 that is correct.

19 Q. Ship handling?

20 A. No, I didn't ask anything on ship hand-  
21 ling, but parts of ships and things like that.

22 Q. Parts of ships, elementary ship construc-  
23 tion?

24 A. Elementary examination, yes.

25 Q. Would that cover magnetic compass and  
26 gyro compass?

27 A. The fact that he had used these things,  
28 magnetic and gyro compass and their differences, without  
29 going into great detail.

30 Q. Would it include any chart work?







English 1 A. Just a knowledge of being able to read  
2 charts and understanding something of them-- not in  
3 detail.  
4 Q. Did it include taking bearings?  
5 A. No.  
6 Q. And the use of station pointers?  
7 A. No, nothing like that.  
8 Q. The use of the sextant?  
9 A. No. This was all very preliminary.  
10 They could at this stage have been just sixteen years of  
11 age.  
12 Q. Was there any written exam?  
13 A. No written exam, no.  
14 Q. No written exam?  
15 A. No.  
16 Q. And whether the apprentice is accepted,  
17 is that by a unanimous decision of the Board or the  
18 majority decision?  
19 A. It is a unanimous decision of the Board.  
20 Q. The rule is that the applicant must be  
21 accepted by the unanimous decision or a majority decision?  
22 A. I haven't seen any ruling on it, but I  
23 would say it would be a unanimous decision.  
24 Q. Do you know if there exists any appeal  
25 from the Board of Examiners' decision?  
26 A. I don't know of any provision for it?  
27 Q. And now that this young chap is an  
28 apprentice, what does he have to do?  
29 A. We explain to him the requirements and  
30 we read to him the sections of the bylaw which concern





English 1 him as an apprentice, the training he is required to do.  
2 We point out that he cannot undertake any other employ-  
3 ment, at least not without permission. We point out to  
4 him that for the first three years he has to attend  
5 training courses and he has to sit for examinations for  
6 the first three years and that the requirements as laid  
7 down, of a certain number of trips in a district have to  
8 be made and records are kept of that. A general outline  
9 of the requirements of the bylaws and of the Pilotage  
10 Authority with regard to their apprenticeship.

11 Q. During his first three years, he has  
12 to undergo certain courses?

13 A. Winter training courses. Originally  
14 it included also a training cruise, but since my time the  
15 ship that has been used for that has been immobilized  
16 and there have been no winter cruises; so that the  
17 training course, apart from sailing in ships with pilots,  
18 has consisted of winter training courses which have been  
19 held in the last year in Quebec City.

20 Q. Do you have a syllabus of these courses?

21 A. I have a syllabus here. The syllabus  
22 is much the same for both districts. Perhaps you would  
23 wish to have one. They are exactly the same for  
24 Quebec, in English and in French.

25 Q. These two syllabi are for the Quebec  
26 Pilotage District?

27 A. One is for Montreal.

28 Q. This one is Montreal?

29 A. Yes.

30 MR. JACQUES: Now, with your lordship's permission I







English 1 would only file the one from Montreal, if it is agree-  
2 able. It is in French, sir.

3 Q. Do you have an English copy of this?

4 A. No.

5 THE CHAIRMAN: If it is similar, file  
6 the other one. If the Quebec syllabus is far more  
7 detailed than the Montreal syllabus, file both then.

8 MR. JACQUES: I can file both. It is  
9 not a translation, by any means.

10 THE CHAIRMAN: No.

11 MR. JACQUES: If it is convenient, I  
12 can translate the syllabus for Montreal.

13 THE CHAIRMAN: Is it short?

14 MR. JACQUES: It is, sir.

15 THE CHAIRMAN: Please do so, then.

16 MR. JACQUES: "Syllabus of Winter  
17 Studies: Their knowledge of localities, points, villages,  
18 islands, lighthouses, names of lighthouses, ranges,  
19 true course, magnetic course, locality in use of the  
20 Signal Service Offices, limits of the districts, limits  
21 of the ports, obtaining a radiotelephone certificate,  
22 rules concerning the navigation on the St. Lawrence  
23 River from Father Point to Victoria Bridge, how to give  
24 orders, how to ensure the execution of orders, duties  
25 and responsibilities of apprentices, relationship  
26 between apprentices, masters, officers and pilots,  
27 information to obtain upon boarding a ship, Canadian  
28 buoy system" -- and there is one which I unfortunately  
29 cannot translate. Perhaps my learned friend would  
30 help me -- "Transit bearings, application of tidal





English 1 tables as regards the St. Lawrence River.

2 "Second year: Bylaws of National  
3 Harbours Board, bylaws of Public Harbour, Determination  
4 of the meeting point of two ranges, position of shores,  
5 boulders, banks, bars; dimension and distance from the  
6 centre of a channel; position and areas of anchorages,  
7 depth, width in deep water, visibility of lights, depth  
8 outside channel, the position of lights and points and  
9 mountains; colour of lights, buoys, currents, clearance  
10 marks.

11 "Third year: Sections 6 and 6A of  
12 Canada Shipping Act, Oil Pollution Regulations, St.  
13 Lawrence River Regulations, Quarantine Regulations,  
14 Accident reports, prohibited anchorages, characteristics  
15 of walls and basins, how to fill out pilotage forms,  
16 manoeuvrability of ships based on their engines, their  
17 load and the existing conditions."

18 This document is to be filed as Exhibit  
19 No. 539.

20 ---EXHIBIT NO. 539: Syllabus of Winter Studies  
21 for apprentice pilots in  
22 Montreal District.

23 Q. Who set down this syllabus, sir?

24 A. I couldn't tell you, of my knowledge.

25 This is the syllabus that has been in use. I do not know  
26 who did.

27 Q. And each year an examination of all  
28 apprentices is held on this syllabus?

29 A. I can give you the subjects on which  
30 they are examined each year.







English 1

Q. Yes.

2

A. The written papers consist of navigation

3

and chart work -- usually three hours. Radar and aids

4

to navigation is the second paper -- three hours, and

5

another paper on stability and ship construction, also

6

three hours. And the oral examination consists of

7

seamanship, rules and regulations and practical know-

8

ledge.

9

Q. That is for the first year?

10

A. That is for the three years. But of

11

course the degree of examination depends on the years --

12

the level of examination.

13

Q. That varies from year to year?

14

A. Yes.

15

Q. Are they examined on all these subjects

16

every year?

17

A. Yes.

18

Q. And the only difference between the

19

examinations is the difficulty of the . . .

20

A. . . level of knowledge.

21

Q. The level of knowledge required to

22

answer the questions?

23

A. Yes.

24

Q. Now, these courses are given by whom?

25

A. These courses are given in the winter

26

by pilots.

27

Q. By pilots themselves?

28

A. Yes.

29

Q. Who chooses the pilots who are to give

30

courses?





English 1                   A.       I think the pilots should be asked  
2                   about this, but I believe they are chosen by the Pilots'  
3                   Committee.    I am not too sure.  
4                   Q.       How long is the course, the winter  
5                   course?  
6                   A.       Excuse me a minute.    There is nothing  
7                   laid down that I can find.    It is determined by the  
8                   Board.     I can look up the actual length of the last  
9                   winter course.   I do not think I would have it with me.  
10                  Q.       But would you have that information?  
11                  A.       I can get that information, yes.  
12                  Q.       Would you please get it.    At the end  
13                  of each winter the apprentices are examined and do you  
14                  keep Minutes of those examinations, an example of those  
15                  Minutes have been filed?  
16                  A.       That is correct.  
17                  Q.       Does it happen that apprentices fail  
18                  their examinations?  
19                  A.       Ye s, it does, and occasionally when  
20                  they are borderline cases, we so report; and then they  
21                  are informed that failure could mean dismissal from the  
22                  Department of Apprenticeship's scheme.    I may look and  
23                  see if I have any examples of such letters, if you will  
24                  permit me.  
25                  Q.       Yes.  
26                  A.       I have two copies of letters, photo-  
27                  static copies, they are not necessarily applying to this  
28                  district, but they show the system better.    This letter  
29                  is dated April 23rd, 1963, and it is addressed to an  
30                  apprentice.    It reads:







English 1

"Dear Sir:

2

"The report of the result

3

of the apprenticeship winter training

4

course has been received from the

5

Board of Examiners of the Pilotage

6

District of Quebec. It is noted that

7

while you passed both parts of the

8

examination, the mark obtained in

9

the written portion, 72 per cent, was

10

barely over the minimum required and

11

this indicates a need for a greater

12

effort by you on this part of your

13

work if you are to obtain better marks

14

in next year's examination."

15

I have another letter here of a failure.

16

Q. Yes?

17

A. "The Report of the Results . . ."

18

This is dated April 23rd of this year, and it is

19

addressed to an apprentice.

20

"The Report of the results of the

21

Apprenticeship winter training course

22

has been received from the Board of

23

Examiners for the Quebec Pilotage

24

District. In submitting the report,

25

the Board of Examiners has pointed out

26

the poor marks obtained by you for

27

that part of the examination concerning

28

practical knowledge of the Pilotage

29

District of Quebec. Your failure to

30

obtain the required minimum of 70 per





English 1 cent or less may lead to the cancella-  
2 tion of your licence under Section 33(4)  
3 of the Quebec Pilotage District General  
4 Bylaw, but the Board has recommended  
5 rather that you be put back one year in  
6 your apprenticeship and with this we  
7 agree. Accordingly, you will repeat  
8 the first year of the apprenticeship and  
9 will be so placed on the seniority list  
10 of the roster of apprentices in the  
11 Quebec Pilotage District. Any future  
12 failures to pass the above examinations  
13 may well result in the cancellation of  
14 your licence and we would recommend that  
15 you apply yourself to your studies  
16 diligently and without delay."

17 This letter is signed by the Superintendent of Pilotage.

18 Q. What is the minimum percentage required  
19 in all these examinations?

20 A. It is 70 per cent. It varies; it is  
21 decided by the Board of Examiners, but it is 70 per cent.

22 Q. It is not a standing percentage?

23 A. No, it varies in the examination,  
24 on the examination papers and in the districts. But  
25 over all it is 70.

26 Q. Over all, 70; but for each paper the  
27 minimum might be different?

28 A. I believe that, if I remember correctly,  
29 we decided that it should be 70, in the last week, as  
30 far as the Montreal District is concerned. But, to







English 1 be more accurate I would have to look up the Minutes of  
2 the particular meeting.

3 Q. Now, when an apprentice has to repeat  
4 a year, he is placed on the -- if he is a second year  
5 apprentice he is placed on the first year apprentice  
6 list, roster?

7 A. Yes.

8 Q. What is his standing on that roster; is  
9 he at the top or the bottom?

10 A. If he was put back a year, he would be  
11 put at the top of the list of the year to which he is  
12 being relegated.

13 Q. Are apprentices paid during their  
14 apprenticeship?

15 A. I believe that they get paid. Now,  
16 I haven't specific details on this. They get paid, I  
17 believe, at a certain sum by the shipping companies for  
18 the ships in which they make a trip as an apprentice.  
19 I am reasonably sure that is the case.

20

21

22

23

24

25

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30





English 1 Q. And during the three years they have  
2 made a certain number of trips on the river with a pilot;  
3 is that correct?  
4 A. That is correct.  
5 Q. Are they assigned to a pilot, or a  
6 ship, for these trips?  
7 A. They are assigned to ships as such.  
8 Q. And not to a particular pilot?  
9 A. No.  
10 Q. So they may make several trips with  
11 different pilots each time?  
12 A. The proportion of apprentices to pilots  
13 makes it almost certain that they will be with differ-  
14 ent pilots.  
15 Q. And are the pilots required to report  
16 on the behaviour and knowledge of the apprentices they  
17 have with them?  
18 A. They are expected to train them and  
19 instruct them, but there is nothing about reports.  
20 THE CHAIRMAN: When you say they are  
21 assigned to ships, do you mean they are assigned to  
22 one ship for the year, or various types of ships?  
23 THE WITNESS: They are assigned to  
24 ships when they are available in the same way as pilots  
25 for the voyage.  
26 THE CHAIRMAN: So, one day they may  
27 be on one type of ship and the next day on another type  
28 of ship?  
29 THE WITNESS: That is right, my lord,  
30 except that they go all the way from Montreal to Quebec.







English 1 They don't get off at Three Rivers.

2 Q. They make one full trip?

3 A. Yes.

4 Q. Who assigns them?

5 A. The despatchers.

6 Q. In other words, your office?

7 A. That is correct.

8 Q. Do you choose the ships on which they

9 will make their trip?

10 A. No, I don't think so, but I think that

11 the Supervisor of the District should be asked that.

12 I don't think so. I think it is possible that some

13 ship may not be as suitable as another one, but I am

14 not sure.

15 Q. Does it happen that the Board of

16 Examiners consults pilots who have had apprentices

17 under them, in order to find out their opinion?

18 A. In my personal experience we only hear

19 of their opinion of the apprentices when we have a

20 Board of Examiners' meeting.

21 Q. Would you repeat your answer, please?

22 A. I say that we don't have opinions

23 expressed by pilots on any particular apprentices at

24 any particular time, other than when candidates are

25 discussed, or examination results are discussed, at

26 a Board of Examiners' meeting, and not at any other

27 time, to my knowledge.

28 Q. But it happens at a Board of Examiners'

29 meeting?

30 A. Well, for example, if an apprentice has





English 1 not done as well as one might have thought, remarks  
2 might be passed on his general ability that he has shown,  
3 or lack of it, as an apprentice with a certain pilot if  
4 someone happened to have been surprised by his results.  
5 That is the only time.

6 Q. But would the Board seek out the opinion  
7 of pilots as regards the ability of apprentices to  
8 handle these ships?

9 A. No we don't seek out the opinion.  
10 Anything to do with the apprentices is done by the  
11 Board of Examiners.

12 Q. So the examination so far, in view of  
13 the fact that the training ship has not been in opera-  
14 tion, is strictly a theoretical one?

15 A. Not theoretical, because they do make  
16 their practical trips in ships.

17 Q. But the examination?

18 A. The examination is always held in these  
19 offices, not on board the ships. As far as I know they  
20 would merely have lost the training which they might have  
21 had on the training ship. I am guessing. This is out  
22 of my knowledge, but I believe, for example, the practi-  
23 cal experience of taking soundings, and so forth, would  
24 never be done in a ship, but it might have been done in  
25 a training ship.

26 Q. So the actual examination is an examina-  
27 tion on the theory, and there is no practical examination  
28 in ship handling?

29 A. We don't have any means of taking them  
30 on board a ship and examining them in ship handling.







1 No, you are correct.

2 Q. How do you proceed to promote someone  
3 from apprentice to pilot?

4 A. As I explained, and as you will see in  
5 the Minutes of the meetings, depending on the number of  
6 people on the first list, the number that are wanted  
7 are called, and submitted to a medical examination. I  
8 think I have a letter here which I might, with permission,  
9 read to give further information on that.

10 Q. Yes?

11 A. At the time it was intended to have  
12 apprentices examined who had their time in for whom there  
13 would be vacancies of a temporary nature, to relieve  
14 pilots due to sickness, that is to say prolonged sick-  
15 ness. They were not intended at the time to become  
16 permanent pilots, because they were relieving on a  
17 temporary basis, and this is a letter on the subject.  
18 This is from Ottawa, dated February 16th, 1962.

19 "We acknowledge your letter con-  
20 cerning the pilots' examinations to  
21 be held in your district for apprentices  
22 with over three years' apprenticeship.  
23 We note the statements of the Montreal  
24 Pilots Association regarding our pro-  
25 posed dates for holding these examina-  
26 tions, and would confirm our telephone  
27 conversation informing you that subse-  
28 quent to your letter arrangements have  
29 been made with the Pilots Committee to  
30 carry out the examinations as follows:





English 1

February 26th, 9.30 in the morning,  
eyesight tests at office of Examiner  
of Masters and Mates. Upon completion  
of eyesight tests, the Examining Board  
will return to the Pilotage Office to  
continue correcting the examination  
papers of the second and third year  
apprentices.

February 27th, 9.30 to 12.30, written  
examinations at the Pilotage Office.

2.00 to 5.00 o'clock, written examina-  
tion at the Pilotage Office.

February 28th, 9.30 to 12.30, written  
examinations on the subjects I men-  
tioned. Two o'clock to five o'clock  
oral examination. Oral questioning  
by the Board of Examiners will continue  
until all candidates successful in the  
written examinations have been examined."

So that the oral examination always is dependent on the  
success in the written examination. And it continues:

"Please inform all candidates of the  
above arrangements so that they will be  
present at the appropriate times."

Q. So the Board of Examiners convene and  
the schedule is followed?

A. As laid down. First of all they have  
to undergo a medical examination, for which a certificate  
is produced. I have some photostatic copies of the  
certificates.







English 1 Q. No, thank you. And you start with the  
2 written examination. Who prepares the written examina-  
3 tions?  
4 A. They are prepared in Ottawa, and come  
5 down sealed to the District.  
6 Q. Are they supplied to candidates in the  
7 French and English languages?  
8 A. They are in both languages, yes.  
9 Q. And are the papers themselves, which the  
10 candidates write, written in the English or French  
11 language?  
12 A. It is entirely a matter of their choice.  
13 Q. And who corrects the papers?  
14 A. The Board of Examiners.  
15 Q. As a Board?  
16 A. As a Board, yes.  
17 Q. The five of them together?  
18 A. Not necessarily. Some times, for  
19 purposes of saving time it might be that, shall we say,  
20 that when one or two written examinations have been  
21 corrected and have been successful, two of the Board  
22 might then start the oral examination. But the papers  
23 are never corrected by one person alone. They are  
24 always discussed by the whole Board in any case. The  
25 papers are gone through question by question after they  
26 have been, not corrected, but after they have been  
27 examined, checked.  
28 Q. So would it be fair to say that the  
29 decision on the marks --  
30 A. Is unanimous.





English 1 Q. Is unanimous for the paper examination?  
2 A. Yes, sir.  
3 Q. And would the oral examination be car-  
4 ried out in the presence of the five members?  
5 A. It depends to a certain extent on the  
6 number of candidates, and the time available, but, for  
7 example, the examination on knowledge of the river, the  
8 questions are asked by the pilots, because they are the  
9 ones that have the knowledge and usually in the presence  
10 of a representative of the Department of Transport.  
11 Rule of the road, and so on, the reverse procedure would  
12 take place. It would be taken by the Department of  
13 Transport representative, or myself, in the presence of  
14 a pilot or pilots.  
15 Q. Now, you have mentioned that last year  
16 you have had examinations for temporary pilots?  
17 A. No, this year.  
18 Q. Would you explain what a temporary  
19 pilot is?  
20 A. An apprentice who is qualified may be  
21 given a temporary licence at any time, to meet any given  
22 requirement. When that requirement no longer holds,  
23 he reverts to apprentice.  
24 Now, in this particular instance we  
25 had cases of prolonged illness, and it was approved by  
26 the authorities that when these cases existed an appren-  
27 tice could be given a temporary licence in order to keep  
28 the number of available pilots. I may have a letter  
29 about that too. It has happened that in one case only  
30 the apprentice who was given a temporary licence became







English 1 a permanent pilot, because the man he replaced died.

2 Q. I see, so this man would be promoted to  
3 pilot for a temporary period of time, and when the use is  
4 completed, he would revert to an apprentice?

5 A. That is correct, as soon as the vacancy  
6 ceased to exist.

7 Q. And during the time he is a pilot, how  
8 does he get paid?

9 A. Well, now, he would be paid as if he  
10 were a permanent pilot, as far as I know. Yes, I would  
11 point out that the pilotage dues go to the pilots, and  
12 they have their own arrangements for the division of the  
13 earnings, and as far as I know they should be asked  
14 themselves, but as far as I know the temporary pilot  
15 would be treated as a permanent pilot while he was  
16 working. I can't swear to it, however.

17 Q. But you have nothing to do with that?

18 A. No, we always inform the Pilots Committee,  
19 for example, as soon as a man is licensed and placed on  
20 the roll, or taken off, and I presume he is dealt with  
21 financially in the same way as an ordinary pilot.

22 Q. As the others?

23 A. Yes.

24 Q. But you don't have anything to do with  
25 that in your office?

26 A. I do not.

27 Q. You collect the pilotage dues, I believe?

28 A. Yes, the accountant could give you full  
29 details on that, but we do.

30 Q. And you transfer this money to the





English 1 various ---

2 A. I understand that, well, in this case  
3 in the Montreal District I understand it would be every  
4 two weeks, but again the accountant could give it to  
5 you a good deal more specifically.

6 Q. Now, I note that the Class "C" pilots,  
7 Class "C" licences, I should say, are divided into sub-  
8 groups. Each group refers to a particular tonnage,  
9 which you gave a while ago. This does not seem to  
10 appear in the Montreal bylaw?

11 A. I will look it up.

12 Q. Yes, it does, I am sorry. Section 22?

13 A. I have a little, not exactly a document,  
14 but a rough study that was made by somebody on the anti-  
15 cipated needs of pilot replacements, if you wish me to  
16 submit it.

17 Q. Yes, I would like you to?

18 A. This is a manuscript, not a typewritten  
19 document. This is just a study that somebody made in  
20 order to not exactly ---

21 Q. Are you in a position to explain this  
22 document?

23 A. Well, it was drawn up just to study the  
24 projected or possible needs, and the titles are on there.  
25 Possibly the anticipated requirements based on the age  
26 of pilots and the years down in the lefthand column.

27 Q. Who prepared it?

28 A. To my knowledge it was prepared by an  
29 officer in Ottawa. This was just for a little guidance  
30 for ourselves.







English

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Q. How do you proceed to determine the number of pilots that you will have on strength?

A. When do you mean?

Q. At any time?

A. Well, we keep lists of pilots, of course, and we know under normal circumstances when they will retire, and that is all. We know when we will require replacements.

Q. But do you increase the total number of pilots available?

A. The total number is decided in consultation between the Pilotage Authority and the Pilots Committee. At the moment it is 123 in the Montreal District.

Q. When was it last increased, or changed I should say?

A. It has not been changed in my time.

Q. Have you received any communication regarding an increase in the number of pilots for the Montreal District?

A. No, the subject of replacement due to sickness and prolonged sickness was brought up, and a decision was made that these people would be replaced temporarily, unless they happened to -- then we have had one death and one retirement recently in the Montreal District.

Q. But you have had no request to increase the total number of pilots?

A. I am not absolutely sure that we had any specific request in this district. I think the request





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TORONTO, ONTARIO

Catinus, dir  
(Jacques)

5157

English 1 was to increase the temporary pilots, but I couldn't  
2 swear to that. I would have to look it up.

3 Q. Would you recall receiving complaints  
4 from pilots as regards the way your staff operates?

5 THE CHAIRMAN: If we are going to  
6 another topic we will adjourn now for lunch.

7

8 ---Luncheon adjournment.

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English 1 ---On resuming at 2.30 p.m.

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MR. JACQUES: Last week, my lord, there was an exhibit concerning the work load of the pilots of the Montreal District at that section of the Three Rivers-Quebec, which was not filed, for the years 1960, 1961 and 1962. I have now these documents and I think they were Exhibit 528.

THE SECRETARY: It was 535.

MR. JACQUES: Exhibit 528, a statement showing the name of the pilots for the section at Three Rivers-Quebec, together with the number of days sick, days off on committee meetings, days on suspension, number of trips in and out and total number of trips for the years 1960, 1961 and 1962 . . .

THE SECRETARY: No. 529.

MR. JACQUES: No. 528.

THE SECRETARY: No. 529.

MR. JACQUES: As between Montreal and Three Rivers.

THE CHAIRMAN: The number of days the pilot was absent in Montreal and Three Rivers?

MR. JACQUES: I now have them for Quebec-Three Rivers.

THE CHAIRMAN: That is 529.

---EXHIBIT NO. 529: Statement showing the names of the pilots for the section Three Rivers-Quebec, together with number of days sick, days off on committee meetings, days on suspension, number of trips in and out and total number of trips for the years 1960, 1961 and 1962.





English 1

2 Q. Now, sir, the last question was conc-  
3 cerning complaints either from your pilots against the  
4 Pilotage Authority or shipowners or against anyone else.  
5 Would you have records of such complaints?

6 A. I have a general file of them.

7 Q. Would you state first the complaints  
8 that you may have received by pilots regarding other  
9 traffic in the river?

10 A. We have had complaints about pleasure  
11 craft, tugs and their actions, dredging, and ships without  
12 pilots as well, in general. That is complaints by  
13 pilots.

14 Q. Would you give the details of those com-  
15 plaints last year?

16 A. I will look some up, if I may, and read  
17 them out?

18 Q. Yes, you may.

19 A. There are a number of them in both  
20 English and French. So I will take one at random.

21 Q. Would you be able to tell how many you  
22 had last year?

23 A. No, I would just have to count them as I  
24 went along. There were not too many but they are on  
25 record. It has to do with small craft.

26 Q. Would you be able to sum up these com-  
27 plaints quickly?

28 A. It is that they have behaved in an irre-  
29 sponsible manner in that such craft approach ships too  
30 closely and generally out in the channel where ships  
couldn't escape them and caused certain amount of alarm







English 1 and difficulty in ship handling because of these small  
2 craft and they were reported to Nautical Safety and  
3 with a view to possible prosecution they have continued;  
4 but I was instructed to talk to pilots and try to identify  
5 these craft when it happened so that the individual con-  
6 cerned could be proceeded against, if necessary.

7 Q. Do you know if any action was taken  
8 against the owners of these pleasure craft?

9 A. No, I do not. I merely reported all the  
10 particulars. I do not know what steps were taken.

11 THE CHAIRMAN: I do not understand that.  
12 Most of these pleasure craft could be easily identified  
13 by the registration number, could they not?

14 THE WITNESS: That is if they come  
15 close enough.

16 MR. JACQUES: Vessels of over ten tons  
17 have to be registered and small craft with motors of  
18 10 horsepower or more have to be licensed.

19 THE CHAIRMAN: Licensed, and the  
20 licence number has to be shown on the craft?

21 MR. JACQUES: Yes, my lord. I believe  
22 reference was also made to these regulations when we were  
23 in Vancouver.

24 THE CHAIRMAN: That is right. I was  
25 just asking for my own information. It is all right.

26 THE WITNESS: I have here the copy of  
27 a letter on the subject written by the Pilotage Authority.

28 Q. Yes. What is the date of that letter?

29 A. The date of the letter is August 15th,  
30 1962. It is signed by the Superintendent of Pilotage,





English 1

Captain Jones. The subject of the letter is: "The Dangerous Operation of Small Boats," and it reads as follows:

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"We forwarded you yesterday copy of letter to Mr. M. Lalonde replying to his letter to you in regard to an incident involving the dangerous operation of two small vessels in such a manner as to seriously inconvenience the S.S. 'Roland Russ' when under the conduct of Pilot Lavallee of the Cornwall District.

"The Department intends to have legal action taken against the operators of boats behaving in this irresponsible manner wherever sufficient information can be secured to ensure it being carried to a successful conclusion. Accordingly you are requested to instruct all pilots to secure, wherever possible, the licence number of such boats and to provide sufficient details of the circumstances as early as possible after the occurrence. It is hoped that the imposition of a fine by the courts will have a salutary effect on small boat operators handling their vessels in a manner dangerous to large vessels."

There is a reply on that particular subject, written by me to the Superintendent of Pilots, though I imagine it







English 1 is not required.

2 Q. What is that?

3 A. I say there is a reply to that letter,  
4 going further into that particular incident, but I do not  
5 suppose it is required?

6 Q. No. Pilots have been in the habit of  
7 reporting to you these incidents of small boats crowding  
8 the channel and making navigation more difficult, have  
9 they not?

10 A. This last year in particular, I remember  
11 we had a number of complaints on the subject of channel  
12 blocking by a dredging company then operating in the  
13 Three Rivers area, in consequence of which we had to go  
14 down and see thm. I wrote a complaint to the Ship  
15 Channel Authorities about it, in an endeavour to bring  
16 a sense of responsibility to those tugs, in this  
17 particular case, which were causing us or causing the  
18 pilots difficulty.

19 Q. As regards the pleasure craft and yachts,  
20 would you, without taking too much time, be able to say  
21 how many such complaints you have had last year?

22 A. No, I wouldn't be able to tell you  
23 without looking it up and it might take quite a while.

24 Q. Would you please look it up and let us  
25 know at your next appearance before the Commission?

26 A. Yes, I will do that.

27 Q. Now, to the best of your knowledge, has  
28 any accident happened to these pleasure crafts and ships  
29 being piloted?

30 A. Not with regard to pleasure craft, no.





English

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Q. Have you received any complaints concerning dredging operations or sounding operations carried out in the river?

A. By the pilots?

Q. By the pilots?

A. Yes, sir.

Q. Would you state the nature of those complaints?

A. As I mentioned, last year it was principally the dredging operation in the Three Rivers area blocking the channel, moving buoys without permission and without notice. This year we haven't -- we had a complaint on the subject of boring operations at Pointe des Ormes.

Q. Which is above Three Rivers where a bridge is supposed to be built?

A. Yes, in consequence of which we had a meeting with the people concerned. I have a file on it and they have taken steps to see that their pontoons are properly identifiable, lighted from light signals by night and day signals by day. I can give you copies of these sketches that they sent us week by week after a meeting that we had.

Q. And this meeting was held by whom?

A. Those present at this meeting were the resident engineer of the survey company, in this particular instance, the president of the Pilots Corporation of Montreal District, Mr. Boudreau, representing the ship channel and myself.

Q. Who convened the meeting?









English 1

A. The meeting was convened -- I arranged the meeting and I convened it at a time that was suitable to all concerned. It was held in the Pilotage Office at Point Deschaillons. That was this year.

Q. And what came out of it? You said it was prepared by you, and I believe that you had the signals for day operation, night operation and the operation in fog prepared and listed?

A. That is right. I have the file here. It is only a short file on the subject. Among other things, the resident engineer produced a sketch, or, rather, a number of sketches in sufficient copies so that each pilot would be able to have a copy and retain it with him at all times. The actual word "operations" was denoted on the sketch by numbers and he agreed to inform me twenty-four hours beforehand of any projected changes in the position of their sounding pontoons. These positions being numbered, the information was broadcast. The pilot would pick it up and merely look at his chart and see where exactly those boring pontoons were situated.

Q. The information would be broadcast by whom to whom?

A. The information would come to the Montreal Pilotage Office. It would be then sent to the Coastal Station by teletype, and broadcast by them. It will also be looked after before broadcast by the Ship Channel authorities who are concerned with this. I have a copy of a letter that I made on the subject of this meeting, if you wish me to read it.





English 1

2 Q. Yes. You have a copy of the sketch  
3 as prepared showing the position of the pontoons?

4 A. Yes, I have.

5 MR. JACQUES: My lord, I should like to  
6 file this sketch as Exhibit No. 540.

7 ---EXHIBIT NO. 540: Sketch showing position of  
8 pontoons.

9 Q. Referring to Exhibit 540, would you  
10 explain the sketch to the Commission? I see it con-  
11 tains a number of squares, some of which are red and  
12 some are not coloured.

13 A. In the top righthand corner is a  
14 small-scale plan, a general picture of the site of the  
15 boring or drilling. It also shows the position,  
16 relative to their work, of the pilotage station and  
17 various other physical features which will help to estab-  
18 lish the size of the bridge, but the enlargement is the  
19 line inwhich this boring will take place. Those  
20 squares are shown and marked "N", 1, 2, 3 and 4. They  
21 are intended to mean "North" 1, 2, 3 and 4, present and  
22 future positions of drilling on that side of the river,  
23 and similarly on the south side, "S" 1, 2, 3 and 4.  
24 Any time there is a change of sketches sent us, the date  
25 is on the bottom righthand corner showing the new  
26 position in which they are going to operate. Before  
27 we get the sketch, the information is broadcast. On  
28 this particular sketch, dated the 20th of June, the  
29 two positions at which that company was operating were  
30 "N5" and "S2", which are marked in red. One of the

unfortunate things was that there would never be less









English 1 than a thousand feet between the drill pontoons and the  
2 idea of giving those numbers was so that the pilots  
3 would know the exact location of these dredges. In  
4 addition, the Ship Channel Authorities placed two extra  
5 buoys which are shown here with flashing characteristics,  
6 on either side below the site of the borings to indicate  
7 the extreme width in which 35 feet of water would be  
8 found. Also on the chart of the sketch, in the right-  
9 hand corner, a little note indicating the day signals  
10 and night signals and the fog signals shown by these  
11 pontoons.

12 Q. Yes. Now, would you read into the  
13 record the Minutes of the meeting that you had in respect  
14 to this system?

15 A. As I mentioned, I first went to see the  
16 Resident Engineer when I received a complaint and this  
17 resulted finally in this meeting, of which I wrote the  
18 following letter to my superiors, dated the 10th of June  
19 of this year. The heading or title is "Three Rivers-  
20 Bridge Construction Survey Work." It is addressed to  
21 the Superintendent of Pilots and it reads:

22 "Following complaints by pilots of  
23 unlit pontoons endangering navigation  
24 in the vicinity of the proposed site for  
25 the new Three Rivers bridge near Pointe  
26 des Ormes Pilotage Station, a meeting  
27 was arranged with all concerned. This  
28 meeting took place at Pointe des Ormes  
29 Pilotage Station last Wednesday morning.

30 "Present at this meeting were the





English

following:

"Mr. M. Boudreau, St. Lawrence  
Ship Channel.

"Mr. R. C. Stutchbury, Resident  
Engineer of Survey Work, representing  
the Geo. Demers Company.

"Messrs. O. Hamelin and A. Tremblay,  
Pilots.

"Captain W. A. W. Catinus, Region-  
al Superintendent of Pilots.

"The object of this meeting was  
to ensure the safe and unhampered pas-  
sage of ships on the one hand, and the  
orderly, uninterrupted progress of survey  
work on the other. The Geo. Demers  
Company have commenced boring down to  
bedrock, using pontoons for this purpose.  
These pontoons are 20 feet wide, and are  
secured in position by means of four  
anchored buoys which represent a navi-  
gational hazard within a radius of 500  
feet from their centre.

"The following arrangements were  
made:

1. At all times a navigable distance  
of at least 2,000 feet would be left  
free between pontoons.
2. All test sites would be marked  
and numbered on a large-scale sketch  
which would be supplied to every pilot.







English 1

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3. Any changes would be made known about 24 hours beforehand.

4. Except in an emergency, ships would not anchor within 1,000 feet of the survey area.

5. The Ship Channel Authorities agreed to place two quick-flashing buoys in line with the Survey work to mark the extreme limits of the 35-foot depth, in case ships had to pass between pontoons and the shore line.

6. The Survey Company undertook to have these pontoons manned at all times. (Up to the present the pontoons were unmanned on Sundays.)

"A further meeting will be held on Wednesday morning next in Three Rivers when the large-scale sketches will be made available showing the details above mentioned.

"In conclusion, it was pointed out by Mr. Stutchbury that conditions would be such in 1964, when the actual bridge construction was expected to start, as to necessitate a form of ship control movement in this area.

"A small-scale sketch is enclosed; the larger sketch will be forwarded as soon as received, and further reports made if and when required."





English

1 That is the end of the letter.

2 Q. By the way, how does the system work  
3 now? Have you had any remarks in respect of that?

4 A. I have only had one letter, just recent-  
5 ly, about one ship which passed a little fast but other-  
6 wise it is working very well. To the best of my know-  
7 ledge, it is working very well. Do you wish me to read  
8 some Minutes of the meeting that was held the year before  
9 in the dredging?

10 Q. Is that in respect to the position of  
11 the buoys in the channel?

12 A. It is in respect to the problems this  
13 year arising out of dredging operations at St. Jean  
14 Deschaillons.

15 Q. Yes?

16 A. This meeting was not convened by me but  
17 by the Ship Channel Authorities as a result of complaints  
18 by the pilots against those tugs and craft engaging in  
19 dredging work in that area. Among other things, they  
20 were showing a certain lack of responsibility in the  
21 manner in which they were moving buoys without warning  
22 and were passing much too close to ships some times in  
23 that restricted channel. This letter, a copy of which  
24 was sent to me, was written by Mr. Boudreau, the  
25 Deputy Chief of the St. Lawrence Ship Channel. It is  
26 dated May 21st, 1963. It is addressed to Mr. H. L. Land,  
27 Chief, St. Lawrence Ship Channel. The title of the  
28 letter is, "Navigation Problems Arising from the Dredging  
29 Operations at St. Jean Deschaillons," and the letter  
30 begins:







English 1

"A meeting was held aboard the C.C.  
G.S. 'Detector', at Deschailions, on  
May 9th, 1963, at the request of Pilot  
O. Hamelin, President of United Montreal  
Pilots, to discuss navigation problems  
arising from the dredging operations  
in the Cap la Roche-Cap Charles Curve  
Reach.

"The following attended the meeting:

Mr. R. Mackie, Superintendent, McNamara  
Marine Limited (Contract)

Mr. W. A. W. Catinus, Regional Superin-  
tendent of Pilots

Mr. O. Hamelin, United Montreal Pilots

Mr. Noel Paquette, P. Eng., District  
Marine Agent, Sorel

Mr. J. M. Magnan, Engineer in Charge,  
C.C.G.S. 'Detector'

Mr. M. Piche, Asst. Engineer, C.C.G.S.  
'Detector', and the undersigned.

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English

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"The undersigned, who presided, opened the meeting by stressing that navigation through the Cap a la Roche - Cap Charles Reach was one of the most treacherous in the river. The many dredges, tugs, scows, etc., involved in this widening operation made this meeting mandatory between pilots and contractor in order to obtain perfect understanding between both parties.

"Pilot O. Hamelin brought up the following points:

1. Buoys moved without proper notices for dredging operations, often left in the channel and interfering with navigation.
2. Tugs with scows in the channel.
3. Spotlights used by tugs to locate un-lighted buoys reflect in the wheelhouse of passing ships, thus preventing the pilot from seeing the navigation aids.
4. Tugs remain in the channel to force ships to slow down so as not to hamper dredging operations.
5. Sketch of dredges and buoy positions requested once a week.
6. Dredging range lights: present lanterns showing either white or red lights, confusing with black gas buoys with white light and red gas buoys with red light.
7. When drilling and blasting operations are resumed ample notice should be given so ships







English 1

will stop using the radiotelephones.

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"Mr. N. Paquette in reply to Question

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No. 1 said that the buoy tender C.C.G.S.

4

'Safeguarder' made a weekly visit and would

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move along the channel bank buoys interfering

6

with dredging operations and issue the proper

7

notice to shipping.

8

"On Question No. 2, the undersigned

9

suggested that the contractor advise their

10

captains to navigate close to the channel

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banks and outside the channel limits whenever

12

possible.

13

"On Question No. 3, Mr. R. Mackie

14

would instruct his captains to refrain from

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using spotlights when ships are passing.

16

"On Question No. 4, the undersigned

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mentioned that the Canada Shipping Act pre-

18

vented any manouvring that could be a menace

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to navigation -- more of speed of passing

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ships later.

21

"On Question No. 5, Mr. J. M. Magnan,

22

Engineer in Charge of Operations, will issue

23

every Friday white prints showing positions

24

of dredges and floating aids.

25

"On Question No. 6, Mr. Noel Paquette

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and the undersigned suggested using amber

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lights. Mr. R. Mackie, Superintendent, would

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try to find such lights for the dredging

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ranges in order to avoid confusion with

30

lighted aids.





English 1

"Mr. R. Mackie, in reply to Question No. 7, informed the meeting that drilling and blasting would be done later and advance warning given.

"Mr. J. M. Magnan reminded the meeting that the speed of passing ships was interfering with the dredging and sounding operations. In reply the undersigned remarked that all dredging in the river at the present time was confined to Cap Charles Curve-Cap a la Roche Reach. Captain W. A. W. Catinus said he would issue a notice to reduce the speed of passing ships in entire length from Buoy 74-Q to Buoy 103-Q. The undersigned said in conclusion that the Canada Shipping Act had to be followed implicitly: dredges, drills, tugs, etc., should at all times display the proper signals by day and lights at night, as requested by the Act."

It is signed by M. G. Boudreau, Deputy Chief, St. Lawrence Ship Channel.

Q. These corrective measures which are outlined in the report which you have just read, were they taken?

A. Yes. They were. I have had no complaints from the pilots about it since that meeting, but no doubt they will be able to give their own evidence on it.

Q. But you have had no complaints since?

A. No.







English 1

2 Q. Now, sir, have you received from the  
3 public any general complaints about speeding ships?

4 A. There have been, but not too many. I  
5 have some on file, including one of a test carried out  
6 about the effect of speeding. This is on record, but  
7 before my time.

8 Q. Would you have the reports following  
9 that test with you?

10 A. Yes, I have. These aren't in  
11 chronological order. There are others besides those.

12 MR. JACQUES: I wonder if this would  
13 be of interest to the Commission? This survey was not  
14 made by the witness. It was made by his predecessor,  
15 and it concerns speeding off Hamilton Island, which is  
16 a summer resort, and tests were carried out jointly  
17 with pilots and shipowners. They requested certain  
18 ships to proceed at certain speeds, and they stood on  
19 the shore noting the effect of the speeding.

20 THE CHAIRMAN: No, I don't think so.

21 Q. Now, sir, apart from this report you  
22 said you had had complaints as regards speeding vessels.

23 Would you sum up these complaints for  
24 the Commission, and if you are able to say so, would you  
25 state how many complaints you had last year in the  
26 District of Montreal?

27 A. I wouldn't be able to say offhand.  
28 I would have to look it up. There are not very many.

29 Q. Would you make a note of that?

30 A. I will.

Q. Now, sir, have you received any





English 1 complaints from shipowners in respect to pilots, their  
2 behaviour on ships, or their ability to perform their  
3 duties?

4 A. Not in writing, but I remember there  
5 have been, there are some complaints, not about ability  
6 but usually there have been complaints, but not very  
7 many, about pilots being late, or else requiring tugs  
8 when the agents didn't think they were necessary.

9 Q. First, would you explain the complaints  
10 about being late?

11 A. Usually when they have been investigated  
12 there have been one or two cases where the order had  
13 been received at the wrong time. It depends on the  
14 destination of the ship as to the pilot required, whether  
15 a harbour pilot or a river pilot, and these complaints  
16 are dealt with in detail by the Supervisor, who could  
17 tell you more about it.

18 Q. Now, sir, have you received any com-  
19 plaints about the "Carl Schmedeman"?

20 A. The answer is yes, I have.

21 Q. What was the nature of that complaint?

22 A. The first complaint came from the  
23 Seaway pilots, that the "Carl Schmedeman" was proceeding  
24 without a pilot, and also a call from the District Super-  
25 visor of Pilots in Cornwall, informing Captain Meschter  
26 that they would permit a Cornwall pilot to pilot the  
27 ship in that five and one-half mile distance of water.

28 Q. I think this would be confusing for  
29 the Commission. The "Carl Schmedeman", is she a  
30 British registered ship?









English 1 A. She is registered in the Commonwealth.  
2 I couldn't tell you exactly where at the moment, and  
3 operates, I think, between Sydney, Nova Scotia and  
4 Toronto. She is operated through the Seaway, but the  
5 actual from and to I am not sure.

6 Q. And the complaint was that she didn't  
7 take a pilot?

8 A. The complaint is that she didn't take  
9 a pilot between Montreal and Cornwall, and that in so  
10 doing she was proceeding through approximately a five  
11 and one-half mile stretch immediately below the Snell  
12 Lock, where she should have had a pilot.

13 Q. A five and one-half mile stretch below  
14 the Snell Lock. This stretch would be in District  
15 No. 1?

16 A. That is correct.

17 Q. She was entitled, if I am right, to  
18 proceed without a pilot from Montreal to the end of the  
19 Cornwall district?

20 A. Yes.

21 Q. And the boarding point for the pilots  
22 of the Kingston District is at Snell Lock; is that  
23 correct?

24 A. It is out of my district, but in  
25 practice they change over in Snell Lock.

26 Q. Which is five and one-half miles inside  
27 District No. 1?

28 A. Correct.

29 Q. And you have had complaints because  
30 this ship was proceeding through this five and one-half





English 1 mile stretch without a pilot on board?

2 A. Or a Cornwall pilot, which I understand  
3 they would accept. I have copies of letters written  
4 by the Pilotage Authority to the Company which operates  
5 this ship, and other ships concerned.

6 Q. And you have also had a similar com-  
7 plaint as regards other ships?

8 A. I have not had any complaints myself,  
9 but I knew that other ships were doing the same thing,  
10 and I have copies of letters that have been sent to them,  
11 informing them of this breach of the regulations.

12 Q. Would you tell the Commission to whom  
13 you wrote these letters?

14 A. I didn't write the letters. These  
15 letters were written by the Superintendent of Pilotage.

16 Q. The local one?

17 A. At Ottawa.

18 Q. Now, sir, you also mentioned, I believe,  
19 a moment ago about pilots requesting more tugs than  
20 the agent thought were required. Is that correct?

21 A. That is correct..

22 Q. Would you state if you have had many  
23 such complaints last year?

24 A. No, I haven't had many, but it is  
25 one type of complaint. I have not had many.

26 Q. Would you recall how many you have had,  
27 roughly?

28 A. There again the complaints in the first  
29 instance go to the District Supervisor or Pilots. There  
30 would be more than that, but I recall only one at the







English 1 moment. I know there were more.

2 Q. Would you tell us about the one you  
3 recall?

4 A. Well, this is a ship that was down, if  
5 I remember correctly, this is last year, in Section 101.  
6 I believe I am right in saying that, and the pilot  
7 advised the master that he required a tug to help him  
8 turn the ship around, and the agent phoned me up very  
9 late at night and told me this was not necessary. Of  
10 course the pilot can only give his best advice on these  
11 matters, and we went down there, and finally the ship  
12 sailed with the assistance of the tug that had been  
13 asked for.

14 This is my only personal experience in  
15 which I had dealings with myself after such complaint.

16 Q. Would you have any cases of a pilot  
17 being refused on board a ship?

18 A. Personally, no. I believe it has just  
19 happened yesterday. I should say I know it has. The  
20 District Supervisor told me.

21 Q. But you aren't aware of the circum-  
22 stances?

23 A. Not yet, no.

24 Q. Have you ever been approached as regards  
25 under keel clearance?

26 A. I have not been approached about it,  
27 but I was sent copies of letters which had been written  
28 to the Department of Transport, the Pilotage Authority in  
29 Ottawa, on that subject, indicating the intentions of a  
30 certain company with regard to under keel clearance





English 1 for their sailings of this year.

2 I have those letters. I was instructed  
3 to inform the Pilots Committee, which was done, and to  
4 invite their comments. A copy of their letter in reply  
5 is in my possession. The company, after proceeding  
6 at length to explain why they were doing it then indi-  
7 cated they were going to do it, so I have the letters  
8 here if you wish to see them.

9 Q. Would you state the name of the company  
10 which this exchange of correspondence was with?

11 A. The name of the company who wrote on  
12 the subject was the Asiatic Petroleum Corporation of New  
13 York and Shell Tankers.

14 MR. JACQUES: My lord, this report is  
15 based largely on Exhibit 497, which is the Navigation  
16 of Tankers through Channels, prepared by Captain Dixon  
17 on behalf of the Royal Dutch Shell group of companies.

18 Q. The pilots' views were expressed to this  
19 company, were they not?

20 A. I have a letter here, in fact I have  
21 two letters, but they are identical, from the Pilots  
22 Corporation, dated March 19th, 1963 and April 22nd, 1963,  
23 giving their comments on this subject.

24 Do you wish me to read the letter?

25 Q. No, not necessarily. These comments were  
26 transmitted to whom?

27 A. They were sent to Ottawa.

28 Q. To the Department of Transport?

29 A. To the Pilotage Authority, yes.

30 Q. Are you aware of any reply from Shell







English

1 Tankers in that respect?

2 A. There was no reply. Shell Tankers  
3 wrote and stated their intentions. The Pilotage  
4 Authority sent copies of the letters to me so as to  
5 inform the pilots and invite their comments. Their  
6 comments were sent to me, and I in turn sent copies of  
7 these letters to the Pilotage Authority, but there has  
8 been no further correspondence to or from me on the  
9 subject.

10 THE CHAIRMAN: Was that regarding  
11 under keel clearance?

12 MR. JACQUES: Yes, my lord.

13 THE CHAIRMAN: Was that company pro-  
14 testing against the clearance that was enforced here  
15 in Montreal?

16 MR. JACQUES: In view of your lordship's  
17 question, I think it might be wise if we read these  
18 letters into the record.

19 THE WITNESS: Might I say, my lord,  
20 that the letter briefly states that they intended to  
21 reduce their underwater clearance from three to two and  
22 one-half feet.

23 THE CHAIRMAN: But was that in agree-  
24 ment with the bylaw of the Board of Trade?

25 MR. JACQUES: If the ships were loading  
26 in Montreal, yes, sir. They would come under the Port  
27 Warden's bylaw, but these are ships coming into Montreal,  
28 and would not be affected by the Port Warden's bylaw.

29 THE CHAIRMAN: So why were they  
30 worrying about clearance?





English 1

MR. JACQUES: Well, I dare say they  
2 were worried about the safety point of view.

3 If I may read the letter addressed by  
4 Asiatic Petroleum Corporation to the Department of  
5 Transport of April 18th, 1963:

6 "Dear Sirs:

7 St. Lawrence River Under Keel  
8 Clearance

9 "Thank you for your letter dated the  
10 3rd of April, 1963, concerning our proposal  
11 to reduce the under keel clearance and the  
12 attached copy of the Mid-St. Lawrence Pilots'  
13 letter, stating that in their opinion any  
14 reduction in the present clearance of three  
15 feet represents a hazard to the vessel and  
16 to navigation. We note however that your  
17 views do not necessarily coincide with those  
18 of the pilots.

19 "We would like to take this opportunity  
20 of commenting on one or two of the observa-  
21 tions set forth in the Pilots' letter.

22 "First, the Pilots imply that the  
23 presently operating under keel clearance of  
24 three feet was set by the 'Department'. In  
25 the interest of ships and navigational  
26 safety it was Shell Tankers themselves that  
27 set the under keel clearance at three feet  
28 on the basis of past experience in various  
29 ports of the world and was initiated when  
30 they first commenced programming supertankers  
to Montreal in 1958. Recently, however,







English 1

2 Shell Tankers have gone to considerable  
3 expense to investigate the behaviour of  
4 tankers in channels, particularly as regards  
5 squat, as outlined in our letter to you  
6 dated 17th January, 1963. The results of  
7 this investigation have shown that reductions  
8 could be made and have in fact been made  
9 in the under keel clearance without any  
10 detrimental effects. In addition, we be-  
11 lieve the pilots are not in a position to  
12 fully determine the advantages which offset  
13 such risk as might exist through this decrease  
14 in the under keel clearance.

15 "We would emphasize that Shell Tankers  
16 are appreciative of the need for safe naviga-  
17 tion but wish at the same time to make full  
18 use of the results of any new research which  
19 leads to an increase in the efficiency of  
20 their shipping operations. Therefore, they  
21 intend in the coming open season to lighten  
22 such of their tankers as required to a  
23 minimum under keel clearance of two feet  
24 six inches. In this respect they would wel-  
25 come the cooperation of the Mid-St. Lawrence  
26 Pilots in receiving their view on any aspects  
27 of navigating vessels with a reduced clearance  
28 after they have transited the St. Lawrence  
29 River on several occasions."

30 And the following letter was written by the witness to  
the Secretary-Treasurer of the United Montreal Pilots,





English 1 on April 26, 1963.

2 "With reference to recent correspondence  
3 on the above subject, I have now received a  
4 letter from the Superintendent of Pilotage  
5 indicating that Shell Tankers intend to lighten  
6 such of their tankers as required to a minimum  
7 under keel clearance of two feet six inches.

8 "This question has evidently been the  
9 subject of further correspondence between  
10 Shell Tankers and the Pilotage Authority.  
11 They write in part:

12 'Shell Tankers are appreciative of the  
13 need for safe navigation but wish at  
14 the same time to make full use of the  
15 results of any new research which leads  
16 to an increase in the efficiency of  
17 their shipping operations. In this  
18 respect they would welcome the coopera-  
19 tion of the Mid-St. Lawrence Pilots in  
20 receiving their views on any aspects of  
21 navigating vessels with a reduced  
22 clearance, after they have transited  
23 the St. Lawrence River on several  
24 occasions.'

25 Accordingly, pilots' views are requested  
26 after they have piloted a number of these  
27 vessels.?

28 THE CHAIRMAN: So this is where the  
29 matter now stands?

30 MR. JACQUES: Yes, my lord.







English 1 THE CHAIRMAN: Do you know whether any  
2 of those tankers have come up now with that reduced  
3 under keel clearance?  
4 THE WITNESS: No, I don't.  
5 Q. Have you received any complaints from  
6 pilots as regards boat service available here in Montreal?  
7 A. I have received no complaints about the  
8 boat service in Montreal.  
9 Q. Have you received any complaints about  
10 the facilities available, either at the Station in  
11 Montreal or the Substation in Sorel and Three Rivers?  
12 A. I had complaints last year about the  
13 embarkation facilities at Three Rivers.  
14 Q. And what was that complaint?  
15 A. Pointe des Ormes, the nature was that  
16 the embarkation arrangement was inadequate. At that  
17 time there was a ladder leading down to a wooden pontoon.  
18 The lighting was inadequate and the ladder was unsafe,  
19 and that on occasions the pontoon drifted quite a  
20 way from the quay. I went down to investigate, and  
21 saw the District Marine Agent in Sorel with a view to  
22 improving the situation.  
23 It has taken a while, but at the moment  
24 a new but not yet adequate ladder is being supplied with  
25 a proper float and lifesaving equipment has been supplied.  
26 Proper lighting has been installed, and a little shelter  
27 has been supplied, which pilots can make use of if they  
28 have to wait at all for the boat.  
29 Q. Have you received any complaints as  
30 regards despatching, either in Montreal or at any of the





English 1 substations?

2 A. When I first assumed duties here there  
3 were a lot of complaints about the despatching in the  
4 Pointe des Ormes or Three Rivers Pilotage office.  
5 In consequence of that, after taking over the duties, I  
6 went down there with the Chief Despatcher and tried to  
7 regulate the despatch method.

8 The principal complaint was that pilots  
9 were being called to go down by bus to meet the antici-  
10 pated needs of ships, when in fact this was not necessary.  
11 I had so to point out to the officer in charge there. We  
12 didn't have a supervisor there, that it would be a matter  
13 of comparative simplicity for him, seeing that he had the  
14 information of up-and down-bound ships, which change  
15 pilots at that station, to work out and estimate more --  
16 estimate, to be able to correctly assess his require-  
17 ments.

18 But generally complaints in despatching  
19 would be dealt with by the Supervisor, Mr. Melancon. This  
20 is one that I happen to have dealt with myself last  
21 year.

22 Q. Have you received any complaints about  
23 depth of water available at the wharves or in the  
24 channel?

25 A. I had a complaint about the depth of  
26 water at Sorel. There have been occasional complaints  
27 about possible touching the bottom. Whenever I receive  
28 any complaints like that with regard to ships under way,  
29 I take it to the Manager of the Ship Channel, who will  
30 as soon as possible sweep the area to find out exactly









English 1 if there were any, for want of a better word, bumps.

2 I had only one last year.

3 Q. What was the complaint?

4 A. Not enough water at the berth.

5 Q. Where?

6 A. At Sorel.

7 Q. Did you take any steps to ascertain  
8 how much water there was available, in fact?

9 A. They took soundings, and there was not  
10 sufficient water.

11 Q. Soundings were taken by whom?

12 A. Not only by the ships, around the ships.  
13 They were taken by the District Marine Agent. Actually  
14 the dredging problem came under the jurisdiction of the  
15 Department of Public Works, to whom I wrote. I have  
16 received no reply. I have a copy of the letter here.

17 Q. Was any damage done to the ship?

18 A. No.

19 Q. Have you received complaints from pilots  
20 concerning the collection of dues?

21 A. No, I haven't, but I would submit that  
22 where collections are concerned the accountant has been  
23 called.

24 Q. Have pilots ever recommended, or ship-  
25 owners ever recommended particular ways of handling  
26 ships, either in Montreal or in Quebec?

27 A. Among themselves, but not to me.

28 Q. What was that?

29 A. Among themselves, no doubt, but not to  
30 me. I know that there was some recommendations made





English 1 between Montreal and Quebec on various aspects of  
2 berthing in Quebec, but not in Montreal.

3 Q. Would you have this data on berthing  
4 in Quebec?

5 A. Yes, I have it in my file somewhere, if  
6 I may be given time to look for it.

7 MR. JACQUES: Whilst the witness is  
8 looking for the information, my lord, as regards small  
9 vessels, I have to advise that under Section 8 of the  
10 Canada Shipping Act ships not exceeding 15 tons register-  
11 ed tonnage employed solely in navigation on the lakes,  
12 rivers and coasts of Canada, and pleasure yachts not  
13 exceeding 20 tons net tonnage, wherever employed or  
14 operated, are exempt from registration under the Act.

15 However, my lord, under the Small  
16 Vessels Regulations, Part III, small vessels under  
17 Section 5 not exceeding 15 tons registered tonnage, and  
18 equipped with a motor of 10 horsepower or more, are  
19 required to be licensed through a customs officer, and  
20 under Section 12 of the same Regulations the number  
21 of the licence is to be marked in block characters in  
22 a colour contrasting with the background, and not less  
23 than three inches in height. So, the registered  
24 ship, the name would be marked on either bow and on the  
25 stern, together with the port of registry at the stern  
26 and the licensed vessel, the number would be on either  
27 bow.

28 THE WITNESS: Perhaps I could look  
29 this up for tomorrow.

30 Q. If you please. Yes, that is very well.









English 1

Now, would you tell us about the controls of shipping during the ice runoff?

3 A. Briefly each season, and this was my  
4 first, each season in the beginning of April the ice  
5 breaks up, and large sections of it can suddenly break  
6 off and drift down river and block the channel, causing  
7 danger to shipping. During that period the control  
8 of all piloted ships has been in the hands of the  
9 former and then myself, Regional Supervisor of Pilots,  
10 and the practice has been to get reports at daybreak  
11 from ice observers stationed in various parts of the  
12 river, and from icebreakers. When all this informa-  
13 tion is available, if it appears safe to do so, then  
14 the ships, wherever they might be waiting, in Quebec  
15 or Three Rivers, are then given permission to proceed.  
16 It is my duty, or has been my duty and my predecessor's,  
17 to try and estimate when that degree of safety has been  
18 reached before this permission is given.

19 Q. Have you anything on your file as re-  
20 gards oil pollution, complaints by pilots of oil pollu-  
21 tion?

22 A. No. We had a letter recently indica-  
23 ting the state, but I have not had any complaints on  
24 oil pollution myself.

25

26

27

28

29

30





English 1

2 Q. Have you had any problem with dis-  
3 cipline?

4 A. I have had very little difficulty at  
5 all with the pilots in the Montreal District.

6 Q. How do you proceed as regards disci-  
7 plinary matters?

8 A. The small matters that have arisen so  
9 far have been dealt with by the District Supervisor of  
10 Pilots. In so far as this difficulty is concerned,  
11 they have been small.

12 Q. They have been dealt with by Mr.  
13 Melancon?

14 A. That is correct.

15 Q. Have you been able to assess the per-  
16 formance standards of the pilots under your care?

17 A. I wouldn't say that after one year I  
18 could commit myself to assessing the performance  
19 standards. I can form an opinion, but I would like  
20 to say after one year it would be a pretty short time.

21 Q. It would be a pretty short time to . . .

22 A. To arrive at a reasonable conclusion  
23 on every pilot in the District, especially as I have  
24 the other districts as well.

25 Q. Are you aware of any major clashes  
26 of opinion at any time between the pilots and the masters  
27 of vessels?

28 A. No -- no major clashes of opinion, no.

29 Q. Have you ever had an instance of a  
30 pilot whose services were terminated by a master?

A. As I said a little earlier, there was







English 1 a case -- as a matter of fact, there were two cases  
2 and they were only in the last two or three days, but  
3 before then, no.

4 Q. Previous to that?

5 A. No.

6 THE CHAIRMAN: I suppose you will  
7 have the details of those two recent ones?

8 MR. JACQUES: Yes. Mr. Melancon  
9 will take the stand after this witness is finished and  
10 Mr. Melancon is the District Supervisor. He is aware  
11 of the details in all these cases, and several of  
12 the other points which were raised.

13 Thank you, sir.

14 COMMISSIONER SMITH: I would like to  
15 ask the witness a question, my lord. Captain, you  
16 have only been on your present assignment for a  
17 period of a year, is it?

18 THE WITNESS: That is correct.

19 COMMISSIONER SMITH: And in that short  
20 time, it is quite short to base, perhaps, any outstand-  
21 ing recommendations or fundamentals on how the Pilotage  
22 District here could be improved. But my question is:  
23 Have you submitted any recommendation to the Pilotage  
24 Authority as to how the Pilotage situation in this  
25 district could be improved?

26 THE WITNESS: By telephone, on the  
27 subject of communications and facilities of that kind,  
28 yes. Principally, it has been a matter of communi-  
29 cations.

30 COMMISSIONER SMITH: I don't follow you.





English 1 THE WITNESS: For example, until  
2 fairly recently our information has always come through  
3 either by teletype or secondhand. If a ship was in  
4 difficulties, for example, it was impossible for us  
5 to communicate with them. We had to get -- I recall,  
6 for example, the case of two ships in collision on an  
7 anchor and the only information I could get was provided  
8 by the Harbour Master's Office. The only way to  
9 find out was to drive down and see exactly what was  
10 going on. And, as I say, in the last few weeks we  
11 do have F/M radio transmitter receiver and communica-  
12 tion is what I feel we need and do not have. That  
13 is to say, direct communication with ships and pilots.  
14 We do have locally, with the pilots carrying their  
15 portable sets; but we did not have it except by portable  
16 set until this F/M set was put in, and not all ships  
17 have these F/M frequencies.

18 COMMISSIONER SMITH: And that was  
19 just for the improvement of the pilotage in the dis-  
20 trict. Would that cover the extent of your recom-  
21 mendations to the Pilotage Authority?

22 THE WITNESS: If we had this communi-  
23 cation, it would greatly reduce our needs for the  
24 signal stations in the river.

25 COMMISSIONER SMITH: Is there any-  
26 thing else, captain?

27 THE WITNESS: Other than that there  
28 were merely internal matters to do with the Pilotage  
29 Office and improvements with them.

30 COMMISSIONER SMITH: Thank you.







English 1 THE CHAIRMAN: On that subject of  
2 telephone communication, I understand that all ships  
3 going through the Seaway are equipped with radiotelephone?

4 THE WITNESS: That is correct, my lord,  
5 but we deal also with ships outside the Seaway.

6 THE CHAIRMAN: Before cross-examina-  
7 tion is commenced, we are going to take a few minutes'  
8 recess.

9 ---Short recess.  
10

French 11 CROSS-EXAMINATION BY MR. LALONDE

12  
13 Q. Your function is that of regional  
14 superintendent?

15 A. That is correct.

16 Q. Did that position exist before you were  
17 appointed Regional Superintendent?

18 A. Did that position exist?

19 Q. Regional Superintendent?

20 A. Yes, it did exist. Captain Gendron  
21 was my predecessor.

22 Q. If I understand, there is a local super-  
23 visor in all districts of Cornwall, Montreal and Wuebec?  
24 That is to say, there is one lacking in Quebec at the  
25 present time?

26 A. Yes.

27 Q. But there is a position for that in each  
28 district?

29 A. Yes.

30 Q. And in Three Rivers, is the supervisor





French 1 under the jurisdiction of the Montreal Supervisor?

2 A. Yes.

3 Q. Under Mr. Melancon in Montreal?

4 A. Yes, that is true.

5 Q. Would I be defining your position

6 correctly if I said that it is a special kind of posi-

7 tion for coordination of the three supervisors in each

8 district?

9 A. Of the supervisors and the district as

10 well.

11 Q. What do you mean exactly when you say

12 that this is the coordination of districts also?

13 A. Well, that is to say that I am respon-

14 sible for the welfare of the districts and for the

15 coordination of works between despatching offices,

16 between Quebec and Montreal and I also am responsible

17 for launches at Les Escoumains. If we have some

18 casualties, then I am directly responsible for those

19 casualties.

20 Q. Do you think that the maintenance of

21 pilot ships at Les Escoumains does not fall within the

22 jurisdiction of the local supervisor?

23 Q. Then, how come you are responsible for

24 those?

25 A. In addition to the local supervisors

26 in Quebec -- for example, last year we had a little

27 trouble. The service was stopped for a few hours --

28 two days, I think -- and then I went on the spot in

29 order to undertake an investigation, in order to find

30 out how come we had not had any launches at our disposal







French 1 for forty-eight hours and too at an inquest at Les  
2 Escoumains. But, generally speaking it will be the  
3 Deputy of the Quebec Supervisors.

4 Q. Can we not say then that the local  
5 supervisors of each district are responsible for the  
6 administration of pilotage and represent the Pilotage  
7 Authority in so far as all local problems are concerned  
8 in their districts?

9 A. That is to say that whenever they have  
10 any problems they submit their problems to me in the  
11 first place, and, in turn, I address these problems to  
12 the authorities, if necessary, in Ottawa.

13 Q. Is there a great advantage or a neces-  
14 sity to establish the duty of a Regional Superintendent  
15 on the St. Lawrence?

16 A. Well, this is the Authority's decision.

17 Q. Do you have a personal opinion about  
18 that?

19 A. Well, one always has personal opinions.

20 Q. Do you think that this position, or  
21 this duty -- naturally, I do not want to sort of corner  
22 you or put you in a difficult position -- sometimes  
23 the District Supervisors are superfluous; but the  
24 question is to find out exactly if the staff at the  
25 present time, the supervisory staff at the present  
26 time is adequate or inadequate or if the duty of  
27 Regional Supervisor is essential, in your own opinion?

28 A. Well, I am going to adopt the  
29 Authority's viewpoint, without any further explanation.  
30 For example, it seems to them to be necessary to have





French 1 somebody with marine experience, which we do not have  
2 at the present time in Montreal. That is to say that  
3 I am not deciding about the capacity or the competence  
4 of this staff. Naturally, I do not want to discuss  
5 the terms of reference of such a position.

6 Q. You say that in Montreal there is no  
7 one in authority who has marine experience. Does the  
8 same thing apply to Cornwall?

9 A. No.

10 Q. And you say that at the present time  
11 in Quebec there is a vacancy?

12 A. There is no one occupying that position  
13 at the present time in Quebec.

14 Q. Do you have something to do with the  
15 internal administration of pilotage in the Montreal  
16 District?

17 A. What do you mean, exactly?

18 Q. Well, do you supervise the staff of  
19 the Pilotage Station in Montreal or do you receive  
20 orders, and so forth?

21 A. No, no more than in any other station.  
22 That is to say that I am more often in Montreal than  
23 in Quebec, because my office is in Montreal; but as a  
24 matter of fact, my work takes me everywhere other than  
25 Montreal.

26 Q. Does your duty having to do with  
27 pilotage at the present time take all of your time?

28 A. Unfortunately, yes.

29 Q. Since when has this job of Regional  
30 Superintendent been in existence?







French

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A. I think that Captain

was the first one here and there is a Regional  
Superintendent in Vancouver as well.

Q. You say there is a Regional Superinten-  
dent in Vancouver as well and he has all the local  
supervisors under him?

A. Yes.

Q. Who is the Regional Superintendent  
in Vancouver?

A. I think his name is Captain Eddy.

Q. If there is a problem in a given  
district, if I understand properly, the District  
Supervisor sends you a report about it and you, in  
turn, send a report to Ottawa, and the inverse is  
true?

A. Especially about reports of casualties.  
The supervisor does not look after casualties, and the  
same thing applies to accidents or casualties which are  
reported from Quebec and we receive a report about  
them and, if it is necessary, I will contact the pilot  
or submit my report. But I personally look after all  
reports concerning casualties.

Q. In all districts under your jurisdic-  
tion?

A. That is true.

Q. What type of decision can you make at  
your level without having to refer to Ottawa?

A. Concerning casualties?

Q. Generally speaking, at the administra-  
tive level of pilotage?





French

1 A. About casualties, for example, I send  
2 my report and usually, if I deem it necessary to have  
3 further investigation, Ottawa sends an accident or  
4 casualty inspector or investigator. But, generally  
5 speaking, for all the other duties, everything is  
6 arranged for by the supervisors themselves in the  
7 offices.

8 Q. If I understand you well, in so far  
9 as casualties are concerned, you only send a report to  
10 Ottawa?

11 A. No, some times I do the inquiry myself.

12 Q. You do not make any decision yourself  
13 concerning the liability of the pilot or you do not  
14 yourself sanction the pilots themselves, if necessary?

15 A. No. I only make recommendations in  
16 the case of a casualty; but it is different, for example,  
17 if we have a pilot who has been poisoned. Well, that  
18 is something else. That is entirely different.

19 Q. Oh -- "poisoned" means a drunken  
20 pilot; is that right?

21 A. I am sorry if my French isn't too good.

22 Q. Yes. Did it happen that you have  
23 imposed penalties or sanctions?

24 A. No, not at all, I do not do so.

25 Q. In the second place, did you ever make  
26 any decision at the administrative level without having  
27 to refer beforehand to Ottawa?

28 A. No. We did not have the opportunity  
29 to do so up to now.

30 Q. You have been appointed when?







French 1 A. I have been appointed about a year ago.  
2 Q. When did you start on your duties?  
3 A. I think it was on June 29th of last year.  
4 Q. And over the course of one year you did  
5 not have the opportunity of making a single decision at  
6 the administrative level without having to refer to  
7 Ottawa?  
8 A. Well, what do you mean exactly, for  
9 example? It is difficult to recall, naturally; one  
10 makes decisions every day.  
11 Q. But can you remember a decision, for  
12 example, that would have to do with administration of  
13 pilotage in any given way, either, for example, the  
14 way of assigning pilots to ships or vessels or a decision  
15 to be made concerning complaints coming from pilots  
16 concerning the operation of pilotage in a given district,  
17 or sanctions about certain employees under your juris-  
18 diction?  
19 A. Well, naturally we have received some  
20 complaints, as I explained a few moments ago, concerning  
21 the administration of offices or conditions for em-  
22 barking aboard ships, and so forth; whenever I receive  
23 a complaint, I make a personal inquiry into the matter,  
24 from Cornwall to Les Escoumains, because the Supervisor  
25 remains in his own district. Whenever there is a  
26 casualty, I do the investigation myself.  
27 Q. And during your investigation, naturally  
28 you reach certain conclusions?  
29 A. Well, in turn I send my report to the  
30 authorities with any recommendations.





French

- 1 Q. Who are the authorities to whom you  
2 send your recommendations?
- 3 A. Well, to the Pilotage Superintendent  
4 in Ottawa.
- 5 Q. And what is his name?
- 6 A. At the present time the Superintendent  
7 is Captain Jones -- D. R. Jones.
- 8 Q. And then you wait to receive, by return  
9 mail, an answer?
- 10 A. Yes.
- 11 Q. Do they come back usually, those  
12 answers to your letters or your reports?
- 13 A. Generally speaking, not too fast.  
14 But at times I phone and thus everything goes faster  
15 by phone. We have a direct line that we did not have  
16 last year.
- 17 Q. You have a direct telephone line with  
18 Ottawa now?
- 19 A. Yes.
- 20 Q. Are there any other districts equipped  
21 with this direct line to Ottawa to your own knowledge?
- 22 A. To my own knowledge, no.
- 23 Q. Was that direct line with Ottawa  
24 installed at your request?
- 25 A. No.
- 26 Q. Well, upon whose request was this  
27 line installed?
- 28 A. Well, I just received a letter telling  
29 me that I was authorized to use that line which already  
30 existed, and I must give my name, and there is a special







French 1 system to follow in order to use that direct line.

2 Q. Did it exist before your appointment?

3 A. I think so.

4 Q. So it existed at the Pilotage Station?

5 A. No, this is a special number that must

6 be dialed.

7 Q. Well, we are not going to ask you for

8 the number, anyway.

9 A. Thank you.

10 Q. Do you frequently receive some visitors

11 from Ottawa?

12 A. Not frequently, no.

13 Q. Do your duties frequently take you to

14 Ottawa?

15 A. No.

16 Q. Then I must understand that the majority

17 of communications are made either through telephone or

18 mail?

19 A. Yes.

20 THE CHAIRMAN: While we are still

21 speaking about this subject matter, I think that the

22 witness mentioned before the participation he had

23 concerning pilotage in the different committees or

24 examination committees of apprentices, pilot appren-

25 tices, and also concerning the different complaints that

26 he has received in Three Rivers for the obstruction

27 in the channel, and so forth.

28 MR. LALONDE: Yes, my lord. I do not

29 want to belabour that fact with the witness.

30 THE CHAIRMAN: I am just mentioning





French

1 that so that everybody will remember it.

2 Q. Are you kept informed concerning the  
3 decisions made in Ottawa concerning the pilotage adminis-  
4 tration which falls within your jurisdiction?

5 A. So far as I am concerned, yes.

6 Q. So you regularly receive all communi-  
7 cations concerning pilotage in the district under your  
8 jurisdiction?

9 A. That is to say, for example, I remember  
10 that recently there were meetings concerning the  
11 St. Lambert Lock and I wasn't informed as at the time.

12 Q. Are there any other matters about which  
13 you have not been informed, concerning developments in  
14 the field of pilotage?

15 A. I can't say yes at the present time.  
16 I do not think so, but I do not know what goes on at  
17 the present time, for example.

18 Q. Well, in the past, during the past year  
19 were there new developments about which you were not  
20 informed?

21 A. For example, if I had to wait for an  
22 answer, well, sometimes it takes a little time, but not  
23 always.

24 Q. In the case you mentioned, I think you  
25 were referring to a letter coming from the Deputy  
26 Minister of Transport, telling pilots about the decision  
27 he had made?

28 A. Well, yes. I knew, for example that  
29 there were certain occasions where there were some  
30 meetings between the pilots and the authorities but I







French 1 do not have any knowledge about that.

2 Q. Were you invited to take part in such

3 meetings?

4 A. No.

5 Q. Were you consulted concerning the

6 decision to make about that?

7 A. No.

8 Q. Is it not true that the Pilots Office

9 informed you about the contents of the letter of the

10 Deputy Minister?

11 A. Yes.

12 Q. About that particular letter?

13 A. Yes.

14 Q. Have you ever heard about a request

15 from the Quebec Pilots in order to increase their

16 number of pilots by four?

17 A. Yes.

18 Q. Were you consulted about that?

19 A. Yes. I have recommended this in-

20 crease but the recommendation was rejected.

21 Q. And that recommendation, you made it

22 following a study of the local conditions made in an

23 investigation?

24 A. Yes. I consulted with the local

25 Supervisor.

26 Q. Were you kept in form concerning the

27 answer of the Department about the harbour pilots?

28 A. Recently I received a copy of a letter

29 stating that the request had been rejected.

30 Q. Are you consulted regularly before





French 1 making decisions in Ottawa concerning the pilotage  
2 matters on the St. Lawrence?  
3 A. Yes, by phone.  
4 Q. Have you worked for the Canadian Govern-  
5 ment before entering the field of pilotage administration?  
6 A. Yes.  
7 Q. For how many years?  
8 A. Only one year, approximately one year  
9 on the ship of the Department of Transport.  
10 Q. So, you could not make comparisons  
11 between the efficiency of the administration during the  
12 past year, compared with the preceding year?  
13 A. No.  
14 Q. Now, captain, you have given explana-  
15 tions concerning the Maritime Channel or the Ship  
16 Channel and St. Lambert Lock?  
17 A. Yes.  
18 Q. But do you have a copy of that docu-  
19 ment with you?  
20 A. I think it has already been submitted.  
21 Q. Or, rather, ~~delays?~~ have  
22 A. Yes, that is right.  
23 Q. Do you have a copy of your own report  
24 as well? Can you please tell us how many ship delays  
25 there were, according to the report of the St. Lawrence  
26 Seaway Authority? How many cases of delays of ships  
27 occurred, according to the report of the Ship Channel  
28 Authority or the St. Lawrence Authority?  
29 A. Well, naturally we take them all  
30 together because some are delayed because the first one







French 1 in line is delayed, and so forth -- twelve.

2 Q. Can you tell approximately how many  
3 ships there were, or rather how many pilot changeovers  
4 there were in the St. Lambert in 1962?

5 A. Well, I will have to look in my files  
6 because I couldn't answer you right off. There were  
7 far more than twelve.

8 THE CHAIRMAN: Probably Mr. Melancon  
9 will have this information?

10 THE WITNESS: Yes.

11 Q. Could you tell us if there were many  
12 thousands of them?

13 A. The ships that have been delayed --  
14 there are not many ships that were delayed.

15 Q. Out of this twelve, according to you,  
16 how many delays amongst these twelve are due to the  
17 pilot?

18 A. I think I answered that question in my  
19 answer previously.

20 Q. I think you have given the delays con-  
21 cerning each different case?

22 A. That is correct.

23 Q. But according to that report, I would  
24 like to know how many delays are really due to the  
25 pilot?

26 A. Well, if you will allow me, I will  
27 look at my report. We have only one case where a  
28 pilot fell asleep, but . . .

29 Q. According to you, aside from the pilot  
30 who was sleeping, the other cases could not be classified  
as delays caused by pilots?





French

1 A. Well, there was one case, for example,  
2 when a pilot was two or three minutes late because he  
3 had slowed down in order to reach the lock. There was  
4 a lot of traffic and so forth. There was two or  
5 three minutes' delay because there was a great deal of  
6 traffic, and the pilot reached the destination two  
7 or three minutes late.

8 Q. Now, you have mentioned that you have  
9 received different complaints from pilots about dif-  
10 ferent factors in the pilotage operation under your  
11 own jurisdiction. You have mentioned that you had  
12 not received complaints on the part of shipowners  
13 about conditions existing at the St. Lambert Lock.

14 Did you receive complaints from the  
15 shipowners about different other aspects of pilotage?

16 A. No, I didn't receive any complaints  
17 from the shipowners. I received some from pilots,  
18 though, concerning the St. Lambert Lock.

19 Q. Did you receive some complaints from  
20 shipowners about other problems under your jurisdiction?

21 A. That is when a pilot was late, or  
22 there were certain occasions that a river pilot was sent  
23 instead of a harbour pilot, or vice versa, but that is  
24 not a frequent occurrence. Anyway, sometimes when  
25 orders are made by telephone, sometimes we make the  
26 mistake and sometimes shipowners make the mistake.  
27 There is always the possibility of fifty per cent  
28 mistakes when this must be done by phone. There is no  
29 other way of doing it.

30 Q. Now, I think that this morning you







French

1 mentioned the fact that the pilots of the Cornwall  
2 District received a special fee for entering ships  
3 into the St. Lambert Lock. Is this true?

4 A. No, this is not true.

5 Q. Did you say this, or did I make a  
6 mistake?

7 A. You made a mistake. I didn't say that.  
8 I said that after making two hours in the lock, they  
9 make five dollars per hour according to the regulations,  
10 and I mentioned the fact that pilots coming up, let us  
11 say from Three Rivers, if they enter directly the Lock,  
12 I think there is an extra twenty dollars, but that is  
13 all I said.

14 Q. Thank you. Now, I would like to  
15 draw your attention to the provisions of apprenticeship  
16 for pilots in the Montreal District. If you want to  
17 look at the Regulations for pilotage for the Montreal  
18 District. This morning you discussed at length the  
19 fact that there are three lists, and I think you have  
20 correctly indicated that you are referring to Articles  
21 38 to 41 of the Pilotage Regulations, which have been  
22 temporary positions.

23 Could you please give us some more  
24 explanations, because I think that the Commission might  
25 have the impression that this was the normal practice,  
26 and what is the reason why you have these temporary  
27 Regulations, and what will be the normal and permanent  
28 Regulations when these temporary Regulations will have  
29 expired?

30 A. These arrangements exist at the present





French 1 time. I don't know the reason for this, and I think  
2 we can say that we have always relied on Regulations  
3 38 to 41. After that the situation will be different,  
4 but I think that it might be better to ask someone who  
5 has been on the Board of Examiners for apprentices and  
6 ask him for those details, because he will be much  
7 more qualified to explain this in detail than I.

8 Q. So you suggest that we ask a pilot who  
9 has been interested in this question for quite a number  
10 of years to explain this?

11 A. Yes. This is what I would recommend.

12 Q. In other words, you lead us to be-  
13 lieve that the explanations which you gave this morning  
14 might not be too strictly exact?

15 A. When my answers are according to the  
16 Regulations, I read them, but I have no personal  
17 knowledge of the background of this.

18 Q. I just wanted to clarify the record.  
19 I am not making a comment on what you said.

20 Now, you have referred to the fact  
21 that a candidate who wants to become an apprentice who  
22 neglects to give every year information about what  
23 was happening with him was taken off the list. Isn't  
24 that true, that this applies only to the temporary  
25 list, and that list doesn't apply for regular lists  
26 which eventually will be formed?

27 A. Eventually yes, but we have not  
28 reached that stage yet. This is true. I agree.

29 Q. How many Board of Examiners' sessions  
30 have you attended so far as apprenticeship is concerned?









French 1 A. Well, I couldn't count them, but several,  
2 not only in Montreal but also in Quebec.

3 Q. In your opinion the pilots who have  
4 been appointed on the Board, were they competent for  
5 such a function?

6 A. Certainly.

7 Q. Did you have any reason to believe that  
8 there might have been some discrimination or some prefer-  
9 ence, or anything of that kind during the sessions of  
10 the Board of Examiners?

11 A. No, only in one case where there was an  
12 apprentice who had not succeeded on the third time. I  
13 thought that certain members of the Board were very sorry  
14 to see that the poor guy had failed, and it was only  
15 natural that they would feel sorry for him.

16 Q. Each of the sessions of the Board which  
17 you have attended since your appointment, have all the  
18 decisions been unanimous?

19 A. Yes, after discussion, of course.

20 Q. According to your opinion, does this  
21 system function in a way which guarantees a fair decision  
22 as far as the candidate is concerned?

23 A. Yes.

24 Q. Now, does this system, according to your  
25 opinion, function in such a way as to guarantee the  
26 recruitment of competent candidates for pilotage?

27 A. According to the Regulations only, yes.

28 Q. What do you mean by that?

29 A. Because if you will look at the  
30 Regulations, as far as Montreal is concerned it would be





French 1 possible that an apprentice could complete his years of  
2 apprenticeship. He could spend twelve months aboard a  
3 ship, and then he would pass an examination at the level  
4 of mate home trade, but in order to have the certificate  
5 he would be required to have more service. Twelve  
6 months aboard a ship is not sufficient.

7 Q. You are talking now about the conditions  
8 of admission as provided for in the Regulations. My  
9 question was as far as the policy of the Board is con-  
10 cerned. I was not talking about the Regulations.

11 A. No, as far as the Board is concerned  
12 everything goes very well.

13 Q. And you think that the candidates are  
14 examined on all aspects of their professional competency?

15 A. Yes. If the case was different I  
16 would have made recommendations to that effect, as my  
17 duties require me to do.

18 Q. Do the pilots who are members of this  
19 Board of Examiners, according to your experience, have  
20 a tendency to have higher standards or lower standards,  
21 to raise the standards or to lower them?

22 A. In a general way they would have a  
23 tendency to raise the standards, not to lower the stan-  
24 dards, no, to raise the standards.

25 Q. Now, this Board of Examiners, do they  
26 give a final decision as far as the admission or the  
27 refusal of a candidate is concerned?

28 A. Yes, sir.

29 Q. Are you sure of that?

30 A. Yes, I am certain, yes.







French 1 Q. Well, I would like to refer you to a  
2 letter which you have mentioned as coming from the  
3 Pilots Supervisor, Captain Jones, in Ottawa, and in  
4 which letter I think that you are mentioning that the  
5 Pilotage Authority had decided to approve the refusal  
6 of a candidate by the Board of Examiners, I think, or  
7 to reclassify a candidate one year back?

8 A. Oh, yes, of course, naturally, I was  
9 only talking about those who enter the apprenticeship  
10 system. I thought you asked me if they could appeal  
11 in case they had been refused, but if there is a candi-  
12 date or someone who thinks that he has not received fair  
13 treatment, then he would write to the authorities in  
14 Ottawa.

15 There was one case, I don't remember the  
16 name right now, but he had been postponed one year, and  
17 he came to see us at the Board of Examiners, and after  
18 we had listened to his complaint once more we made our  
19 recommendation.

20 I thought you were referring to those  
21 who are going to enter the system.

22 Q. So there you say that a candidate to  
23 become an apprentice is chosen, is admitted, by your  
24 Board of Examiners?

25 A. Right.

26 Q. Now, once you have chosen an apprentice,  
27 do you refer his acceptance to Ottawa for approval, or is  
28 this final at your level?

29 A. No, when we receive a letter their name  
30 is put on a list.





French 1 Q. When you sit as a Board of Examiners in  
2 order to admit a candidate as an apprentice, or where you  
3 examine him before he is admitted as a pilot?

4 A. Yes. Now you are asking the question  
5 before he becomes a pilot?

6 Q. Yes. Don't you make only a recommen-  
7 dation to the Pilotage Authority?

8 A. You mean one who goes from apprentice  
9 to pilot?

10 A. Yes.

11 Q. Well, they have their examinations, and  
12 if someone succeeds and we need a pilot, he would be  
13 the first pilot.

14 Q. Doesn't the Board of Examiners recommend  
15 to the Pilotage Authority?

16 A. After an examination, if they have  
17 succeeded, they have succeeded and they have their position  
18 on the list, and that is all, and I would like to tell you  
19 once more that my experience is limited to only one year.  
20 It might be better to ask someone who has been five years  
21 on this. Captain Gendron who was here before me, or  
22 some of the pilots who are here. I wouldn't want to  
23 make a mistake on this.

24 Q. You have spoken about winter courses for  
25 apprentices, and you have said that such courses were  
26 given, according to you, by pilots from various Districts.

27 Who organizes such courses?

28 A. These courses are organized by the Board  
29 of Examiners, yes, and once more I recommend that such a  
30 question be directed please to someone who has more







French

1 experience.

2 Q. Now, do the pilots who give those  
3 courses, are they paid by the Department of Transport?

4 A. No.

5 Q. You have mentioned talking about appren-  
6 ticeship once more that the regulations provide for an  
7 apprenticeship of three years, as a minimum?

8 A. Right. According to the regulations,  
9 yes.

10 Q. Did you compile the real duration of  
11 apprenticeship in the District of Montreal?

12 A. No.

13 Q. Would this office have this information  
14 for the past ten years, for instance?

15 A. I couldn't answer this question at the  
16 present time. You should ask the Supervisor maybe, who  
17 has been here for about thirty years.

18 Q. Would it be possible for you to verify  
19 whether or not this information is available at your  
20 office?

21 A. Yes.

22 MR. JACQUES: If this would help my  
23 colleague, Mr. Melanson will be called as a witness, and  
24 certainly he will be in a position to answer such  
25 questions.

26 MR. LALONDE: I thank my learned friend  
27 but I wanted to use this opportunity so that Captain  
28 Catinus can transfer the request to Captain Melanson who  
29 therefore will be prepared.

30 THE CHAIRMAN: I understand that Captain





French 1 Melanson will answer this when he comes.

2 Q. If we could obtain this information for

3 the past twenty years. I don't think this should be too

4 difficult to compile. So we are referring here to the

5 duration of apprenticeship?

6 A. The average length.

7 Q. No, the list for each case of the

8 duration of apprenticeship, not the average, since 1939,

9 in the case of each pilot who has been admitted to

10 pilotage since that date of 1939.

11 THE CHAIRMAN: I understand that at

12 that time the regulations weren't what they are now.

13 MR. LALONDE: Certainly not, your

14 honour.

15 Q. The present regulations have been

16 adopted two or three years ago, in October 1961, two

17 years only?

18 A. And the regulations were different

19 before.

20 Q. You have mentioned the fact that

21 apprentices are assigned to ships, and not to a given

22 pilot, which means that you allot them to certain ships,

23 just like regular pilots?

24 A. Well, the first year they are not sent

25 on liners, for instance.

26 Q. Could you say why they are not sent on

27 liners during the first year?

28 A. No, I couldn't tell you. This is a

29 decision which was made in the past.

30 Q. Now, does the Central St. Lawrence







French 1 Pilots Corporation, do they not have a Committee of  
2 Admission and Promotion, which sits on the Board of  
3 Examiners?

4 A. Yes.

5 Q. And according to your knowledge, I don't  
6 know if you are aware of this fact, I ask you the  
7 question. According to your knowledge, does this  
8 Committee of Admission and Promotion within the Pilots  
9 Association, doesn't it have as a main function to  
10 supervise and watch during the year the training of  
11 apprentices?

12 A. This must be correct.

13 Q. But you don't know more than that?

14 A. No.

15 Q. Is there not also an established prac-  
16 tice, according to which pilots who have an apprentice  
17 under their guidance on board a ship, that they can men-  
18 tion on the pilotage card the quality of the service  
19 rendered by the apprentice?

20 A. According to what I have seen, when  
21 there is only the name of the apprentice on the card.

22 Q. Did you verify this?

23 A. No, I didn't have occasion to do so.

24 THE CHAIRMAN: Could you explain to me,  
25 please, which card you are talking about?

26 MR. LALONDE: Yes, my lord.

27 Q. Is it not true that each apprentice has  
28 a card for each trip which he makes, and this is an  
29 additional card to the one which is filled out by the  
30 pilot concerning the accomplishment of his duties?





French

1 THE CHAIRMAN: Is that the card which  
2 is called the source form in English?

3 Q. Is it a card which is similar to the  
4 source form?

5 A. It is just like the one you have in  
6 your hand, yes.

7 Q. So this card has the number of trips,  
8 name of apprentice, date, and so forth. Is this a card  
9 which is similar to the one which is completed by the  
10 apprentices?

11 A. Yes.

12 Q. Therefore this is a card only for  
13 apprentices?

14 A. But on the source form the name of the  
15 apprentice is also indicated.

16 THE CHAIRMAN: On the pilot's source  
17 form?

18 THE WITNESS: Yes.

19 THE CHAIRMAN: On each trip the name of  
20 the apprentice is also indicated?

21 THE WITNESS: Yes.

22 Q. On the apprentice's card you will find  
23 the name of the apprentice and the name of the pilot.  
24 Right?

25 A. Yes, this is right.

26 MR. LALONDE: My lord, I would like to  
27 file this as an exhibit.

28  
29 ---EXHIBIT NO. 541: Card listing trips made by an  
30 apprentice in the District of  
Montreal.







French 1 THE CHAIRMAN: So I understand that  
2 such a card is completed for each trip made by an  
3 apprentice?  
4 THE WITNESS: Yes, my lord.  
5 THE CHAIRMAN: Just the same as pilots  
6 complete a source form?  
7 THE WITNESS: Yes, my lord.  
8 Q. And these cards are given to the  
9 Pilotage Authority?  
10 A. Yes, and it is by these cards that we can see  
11 if they do the number of trips required by the Regula-  
12 tions.  
13 THE CHAIRMAN: The first indication on  
14 the top of the form, is it number of the voyages, or  
15 is it the voyage number? I thought that voyage was  
16 in the plural, so therefore it is not the number of  
17 trips, but it is the number of the trip?  
18 MR. LALONDE: I am informed, your  
19 lordship, that this concerns the number of trips made  
20 during the season by the apprentice.  
21 THE CHAIRMAN: Could you tell me if  
22 this form is completed just for the District of Montreal,  
23 or also down from Quebec?  
24 THE WITNESS: I think it is the same  
25 thing for Lower Quebec, but we are concerned in the  
26 Montreal District only. My jurisdiction applies only  
27 to the apprentices in this District.  
28 Q. Now, you have spoken about temporary  
29 pilots who have been appointed this year in the Montreal  
30 District.





French

1                                    Could you tell us if these temporary  
2 pilots who have been appointed fulfill all the other  
3 conditions to be appointed permanent pilots?

4                    A.        Well, that is to say there were some  
5 who had passed examinations, but they had not entirely  
6 completed their three years of apprenticeship, and there-  
7 fore they had to wait. It was not too long, until they  
8 had completed three years of apprenticeship. Otherwise  
9 they had all the necessary qualifications.

10                   Q.        Therefore, none of the temporary  
11 pilots have been admitted to pilot ships before they  
12 have completely terminated their three years of appren-  
13 ticeship?

14                   A.        Yes.

15                   Q.        And the reason that they were not admit-  
16 ted as permanent pilots is because there is no vacancy  
17 at the present time?

18                   A.        They were only to replace those who  
19 were sick for a prolonged period, as I explained this  
20 morning.

21                   Q.        But, apart from this, they have all the  
22 necessary qualifications to become pilots?

23                   A.        Certainly.

24                   Q.        You have also mentioned the fact that  
25 pilotage fees which are collected by the Pilotage  
26 Authority are transferred to the Corporation of Pilots.  
27 I think that in order to clarify the record, I should  
28 refer you to Article 21, paragraph (2) of the Pilotage  
29 Regulations for the District of Montreal, where it is  
30 stated that funds which belong to the pilots are paid







French 1 to the credit of the United Montreal Pilots. Right?

2 A. Yes.

3 Q. And, not to the Central St. Lawrence  
4 Pilots Corporation . . .

5 THE CHAIRMAN: Nor to the Federation  
6 of the St. Lawrence Pilots.

7 MR. LALONDE: Neither to the Corporation  
8 of Central St. Lawrence, but to the United Montreal  
9 Pilots.

10 THE CHAIRMAN: It is past five o'clock.  
11 We will adjourn until ten o'clock tomorrow morning.

12  
13 ---At 5.00 p.m. the hearing was adjourned until  
14 10.00 a.m., Tuesday, July 9th, 1963.

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